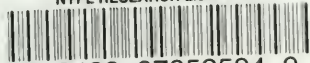


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THE  
Confederate Records  
OF THE  
STATE OF GEORGIA

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COMPILED AND PUBLISHED UNDER AUTHORITY  
OF  
THE LEGISLATURE

BY  
ALLEN D. CANDLER, A. M., LL. D.

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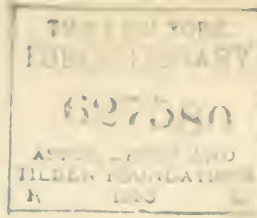
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INTRODUCTION TO RECONSTRUCTION RECORDS.  
GENERAL ORDERS COVERING RECONSTRUCTION,  
1867-1868.  
RECONSTRUCTION ACTS AND PRESIDENT'S VETOES.  
JOURNAL OF CONSTITUTIONAL CONVENTION, 1867-1868.

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## INTRODUCTION TO RECONSTRUCTION RECORDS.

The War between the States was precipitated by the republican party, which had elected Mr. Lincoln to the presidency avowedly, at first, for the restriction of negro slavery, but really for the abolition of the institution. Mr. Lincoln had declared, before his election, that the republic could not exist half slave and half free. The contest was inaugurated, not so much because the masses of the Northern people loved the negro and hated slavery, as because the republican politicians were jealous of and envied the South and the Southern people who had played so conspicuous a part in the establishment of the republic and promoted its greatness and glory. The slogan of the invaders was at first "down with slavery," but thinking men at the North were unwilling to take the risk of deluging a continent with blood and piling up a national debt, appalling in magnitude, to accomplish a result which could be accomplished much more easily and cheaply by peaceful means, as had been done in other countries. Many Northern republicans would not sustain a war waged on such an issue. At the suggestion of Mr. Seward, therefore, Mr. Lincoln changed the war cry, and henceforth the slogan was "the Union must and shall be preserved," and the war was prosecuted thereafter ostensibly for the preservation of the Union, and not for the freedom of the negro. The orators of the North and the partisan press represented the Southern States, hitherto the staunchest supporters of the Union.



as being engaged in a "wicked and unprovoked rebellion" to destroy the Union.

Having thus changed the issue, Mr. Lincoln and his followers rallied a solid North in support of their policy. During the first years of the war but little thought was given by the Lincoln administration as to the final disposition to be made of the South when overrun. The immediate object in view was to destroy slavery and the power of the South so long dominant in the national councils.

About the beginning of 1864, all Southern ports having been blockaded, the Southern people completely cut off from communication with the outside world, all the border States occupied by Federal troops, and some of the seceded States overrun by Federal armies, Mr. Lincoln announced that it would be his policy to restore each State to its former position in the Federal Union as soon as one-tenth of its population had taken the oath of allegiance and organized a State government pledged to abolish slavery. Tennessee, Arkansas and Louisiana, which had been subdued prior to this time, had been restored to their former positions on these terms. After Lincoln's death his successor, President Johnson, adopted the same policy, but before this policy could be put into operation Generals Lee and Johnston had surrendered the armies under their commands, and all of the remaining States of the Confederacy east of the Mississippi River were completely under the control of the Federal armies.

After the surrender of General Lee, further resistance being hopeless, General Joseph E. Johnston, under the advice of President Davis and two members of his



cabinet, Messrs Breckenridge and Reagan, who were with him, proposed to surrender all the Confederate troops then in the field on condition that the Federal authorities would guarantee protection of life, liberty and property in the States of the South and recognize existing governments in them upon the renewal, by their officers, of their oaths of allegiance to the United States. But when this proposition of Johnston's, agreed to by Sherman, was communicated to the President and his cabinet it was promptly rejected, and General Johnston, on the twenty sixth of April 1865, surrendered to General Sherman, not all the armies of the Confederacy then in existence, but only the soldiers in his department, in which was included the State of Georgia, and they were surrendered unconditionally as prisoners of war. As soon as Governor Joseph E. Brown, of Georgia, received intelligence of the surrender of General Johnston, he issued a proclamation on the third day of May, 1865, convening the Legislature on the twenty second of May, following, to take such action as was best calculated "to prevent anarchy, restore and preserve order and save what could be saved of liberty and civilization."

*Spaul*

This action of Governor Brown, taken only for the purpose named in his proclamation, was condemned by the Federal authorities, and the Commanding General issued orders, on the 15th of May, declaring "the proclamation of Joseph E. Brown, styling himself Governor of Georgia, void," and forbidding the Legislature to meet. The military authorities of the United States assumed practically all the functions of the civil government of the State. Troops were stationed in all the cities and in nearly all the county sites; the civil courts were practi-



cally all closed, and the Provost Marshal's court assumed jurisdiction in almost everything. Military orders took the place of the State code, and by them almost all the daily transactions of business life were regulated, even the prices at which commodities in use in daily life could be sold were, in many instances, fixed by military orders, and the manner in which the schools were to be conducted, when schools had been re-opened, was subject to military orders.

Governor Brown, notwithstanding he had been paroled by General Wilson and the faith of the government pledged that he should not be molested so long as he desisted from waging war against the United States, was, on the 9th of May, in violation of the terms of his parole, arrested and imprisoned in Washington City for some two weeks. Finally, being admitted to the presence of President Johnson, he succeeded in satisfying him that his act in issuing a proclamation convening the Legislature of his State in extraordinary session was not a hostile act, but was prompted solely by a desire to prevent anarchy and starvation among the people, many of whom, especially in the path of Sherman's march to the sea, were wholly destitute; whereupon he was released and allowed to return to Georgia, where he rendered valuable aid to the President in his effort to reconstruct the State government preparatory to the restoration of the State to its old place in the Union. To this end, on June 17, 1865, President Johnson appointed the Honorable James Johnson, of the county of Muscogee, Provisional Governor. One of the first acts of Provisional Governor Johnson was to issue a proclamation ordering an election of delegates to a Constitutional



Convention to be held on the first Wednesday in October, 1865. The convention was to assemble in the State Capitol in Milledgeville on the fourth Wednesday in the same month. In the election of delegates to this convention all persons were permitted to vote who had taken the oath of allegiance provided for in the President's amnesty proclamation of the 25th of the preceding May, and who were qualified to vote under the State laws in force prior to the secession of the State. Provisional Governor Johnson, who was a man of ability and unquestioned integrity, used all of his personal influence to induce the people of the State to accept the situation and take the required oath and participate in the election of delegates to the convention. To the same end, Governor Brown issued an address to the people of the State, who had four times elected him chief magistrate, resigning the office of Governor and urging the people to "accept the situation."

The convention met on October 25, 1865, the day provided in the Provisional Governor's proclamation. It was composed almost entirely of ex-Confederate soldiers, most of them clad in their old threadbare Confederate uniforms for want of better and more stylish garbs. It was an unusually strong body. Ex-Governor Herschel V. Johnson was elected President. It proceeded at once to comply with all the demands of President Johnson under his plan of reconstruction. The ordinance of secession and the ordinance adopting the Constitution of the Confederate States were repealed. A new constitution for the State was adopted; all debts contracted "in aid of the rebellion" were repudiated, and slavery was forever abolished in the State. The convention also provided for a general election on the 15th of November,



at which a Governor and Senators and Representatives in the Legislature were to be elected. The election was accordingly held, and the Honorable Charles J. Jenkins, one of the ablest and most highly esteemed men in the State, was elected Governor. On the 4th of December the Legislature met, and on the 14th Jenkins was inaugurated Governor.

On December 9th the Legislature, in compliance with the last demand of President Johnson, ratified, by an almost unanimous vote, the thirteenth amendment of the constitution of the United States abolishing slavery. The Provisional Governor was relieved from duty, and Georgia, having complied with all the demands of the President of the United States, was supposed by her Legislature and her people to have been thus restored to her place in the Union, but Congress, as will appear, thought differently.

The first Legislature after the adoption of the Constitution of 1865, met in Milledgeville on the 4th day of December, 1865, the same day on which Congress met in Washington. The convention just adjourned had complied with all the requirements of President Johnson except the ratification of the thirteenth amendment to the constitution of the United States, and this they could not do because all proposed amendments had to be ratified by the Legislatures of the States, and not by conventions of the people. Accordingly the Legislature, on December the 9th, ratified the amendment, and the people of Georgia expected, and had a right to expect, the withdrawal of all troops and the admission of their Senators and Representatives to seats in Congress.

When Congress met, the President, in his message,



advised both Houses fully as to what he had done and what he required the proscribed States to do in order to be restored to the Union. It was apparent that he regarded the requirement that the States ratify the thirteenth amendment of the constitution of the United States, abolishing slavery, as a condition precedent to the admission of their Senators and Representatives in Congress, as the utmost that could be required of them, and that the Senators and Representatives from such States as had complied with all of these requirements should be at once admitted into Congress. But it was plainly apparent that the republican leaders in Congress were of a different mind. Immediately after the reading of the President's message in the Senate, Senator Sumner introduced a resolution to the effect that before Senators and Representatives from the Southern States could be admitted they must, in addition to doing the things President Johnson had required, give the elective franchise to "all citizens" regardless of race or color, establish schools which should be open to white and colored children alike, and elect loyal persons to all offices, both State and Federal, and give the Federal court jurisdiction over the State courts in all cases in which racial discrimination was alleged.

Many other bills and resolutions were offered proposing as many different methods of treatment for the "rebel States." A joint committee was appointed to "enquire into the condition of the States which formed the so called Confederate States of America and report whether they, or either of them, are entitled to representation in Congress." This was on the 18th of December, but the committee did not report until the 30th



of April, 1867. In the meantime the civil rights bill had, on the 9th of April, become a law. It made it a crime to discriminate against any person on account of race or color under the alleged authority of any State law or custom, and gave the Federal judicial authorities power to arrest and punish any one guilty of the offense.

A freedmen's bureau bill, which treated the Southern States as conquered territory, passed both Houses of Congress but was vetoed by President Johnson. A great many other bills and resolutions all looking to the punishment and humiliation of Georgia and the other Southern States, were proposed by members of the dominant party during the five months consumed by the reconstruction committee in "enquiring into the condition of the States which formed the so-called Confederate States of America, and reporting whether they, or any of them, are entitled to representation in either House of Congress."

Finally, on the 30th of April, the committee reported. The report was not unanimous, but two reports, a majority and a minority report, were submitted. The report of the majority was to the effect that the governments established by President Johnson were only provisional, having been established by the President under his military authority as commander-in-chief of the army, and not in fact State governments, and therefore were incapable of sending Senators and Representatives to Congress. The majority of the committee recommended another amendment to the constitution to be known as the fourteenth amendment, forbidding any State to abridge the privileges or immunities of citizens of the United States, or to deny to any citizen equal protection



of the law. They also reported a bill declaring that as soon as any one of the rebel States has ratified the said proposed amendment it should be entitled to representation in Congress, but not before.

The minority contended that if Congress agreed to the majority report, it would repudiate its own declaration made in 1861 that "the war is not waged on our part in any spirit of oppression, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union, with all the dignity, equality and rights of the several States unimpaired."

After a protracted discussion of the two reports, that of the majority was adopted and a substitute for their resolution proposing a fourteenth amendment was agreed to. This, together with the civil rights bill and the freedmen's bureau bill in a somewhat modified form, was the net result of discussion and legislation on reconstruction at that session.

When Congress again met in December, 1866, the discussion was renewed and scores of new reconstruction measures were proposed. The temper of the party leaders, instead of cooling down during the recess, seemed to have grown more violent. A resolution was introduced that "all proceedings looking to reconstruction originating in executive power were in the nature of usurpation, and that it is shocking to common sense when it undertakes to derive new governments from a hostile population which has just been engaged in armed rebellion, and that all governments having such an origin are illegal



and void." Another resolution directed the committee on territories to take the necessary steps to organize into territories the districts lately in rebellion. An impassioned orator declared in the Senate that it would be a national disgrace if Congress should fail to take the necessary steps to protect the "loyal whites and the freedmen who were being hastened to secret graves, not by hundreds but by thousands, daily." It seemed as if the storm would never spend its fury. But, finally, in February, 1867, all pending measures were abandoned by the House and a new bill, afterwards known as the reconstruction act, was introduced, and early in March it became a law. It provided that the conquered States should be divided into five military districts, and that the President should assign to each an officer not below the rank of Brigadier-General, and put under his command military force sufficient to enable him to "protect all persons in their rights of person and property, to suppress insurrections, disorder and violence, and to punish all criminals and disturbers of the public peace." The existing governments in the Southern States, erected under the President's plan of reconstruction, were to be "regarded as provisional only, and in all respects to be subject to the paramount authority of the United States at any time to abolish, modify, control or suspend the same."

When the reconstruction act was put in force and the States of the South divided into military districts, Georgia was put in the third district over which, first, General Pope, and some months later, General Meade was appointed ruler. Pope, on the 8th of April, 1867, issued an order providing for the registration of voters pre-



paratory to ordering an election for delegates to a constitutional convention. The State was divided into forty-four registration districts and two white registrars, each, if possible, either a carpet-bagger or a scalawag, were appointed in each district, and these two were directed to complete the board of registration by selecting a negro colleague. This board of registration was required to register all citizens, white and colored, above twenty-one years of age, except such as were disqualified under the proposed fourteenth amendment, which had not yet been ratified by the requisite number of States and was not, therefore, a part of the constitution. None of those excepted could either register, vote or sit in the proposed convention. Thus a majority of the best and most intelligent men in Georgia were disfranchised and debarred from seats in the convention. The election to determine whether a convention should be held or not, at which delegates to the convention should be elected if a majority voted "for convention," was ordered by General Pope to begin on the 29th of October, 1867, and the polls were to be kept open for three days. The board of registrars, (two white men and one negro) were to be judges of the election.

On the 30th of October, during the progress of the election, Pope ordered the polls to be kept open for five days instead of three, as at first ordered, so as to give the negroes ample time to vote. The election resulted in 103,283 for a convention and 4,127 against. The whole number of votes cast was about 80,000 short of the number of the registered voters in the State. This was due to the fact that nearly all of the most respectable and conservative men in the State, who had not been excluded



from the polls by military orders, declined to take any part in a proceeding intended to punish and humiliate them.

Delegates to a constitutional convention were elected by practically the same vote as that which ratified the call for a convention. Of these delegates less than a score were representative citizens of the State. The rest were either carpet-baggers, scalawags or negroes. This convention, which has come down in history as "the black and tan convention" because in it sat delegates of every hue, from the purest Caucasian to the blackest Congo negro, met in Atlanta on the 9th of December, 1867, and sat until the middle of March, 1868. A few men, mostly carpet-baggers, controlled its action, and they, themselves, were controlled by the military satrap sent down as commander of the third military district. The great majority of the body were ignorant and illiterate, and followed blindly the instructions of their carpet-bag leaders. But few things worthy of attention marked its deliberations. One, however, is worthy of note because of its high handed character. Soon after the organization of the body it made requisition on the State Treasurer, John Jones, for forty thousand dollars with which to pay its officers and members. Jones, the Treasurer, declined to honor the requisition until the warrant of the Governor, countersigned by the Comptroller-General, was presented. Governor Jenkins, mindful of his oath of office and the law which forbade the payment of any money from the treasury except on appropriations made by law, could not draw his warrant on the Treasurer for this money, because no money had been appropriated by the Legislature for this purpose.



Meade, who had succeeded Pope as Commander of the third military district, issued an order removing Governor Jenkins from office and detailed Brevet Brigadier-General Thomas H. Ruger, U. S. A., Provisional Governor in his stead, and, at the same time and in the same way, ejected Jones from the treasury and detailed Brevet-Captain Charles F. Rockwell, U. S. A., to be State Treasurer in his place. Of course Governor Jenkins and Treasurer Jones could but yield to military force, and thus the two most important offices in the State government passed into the hands of two army officers with all the records of the two offices and the money in the treasury. Soon afterwards the venerable Secretary of State, Colonel Nathan Barnett, and the Comptroller-General, John T. Burns, were removed from office in the same way, and every branch of the Executive Office passed into the hands of alien army officers to the exclusion of the incumbents duly elected by the people of the State.

Governor Jenkins, when driven from office, carried with him the seal of the Executive Department, and Colonel Barnett, the custodian of the great seal of the State, carried that away and concealed it until the people of Georgia recovered possession of their State government, and thus neither one of these seals was ever desecrated by the hands of an enemy of Georgia. After the storm of reconstruction was over and the white people of Georgia had elected James M. Smith to the Executive Office, Governor Jenkins, recognizing him as his first legitimate successor, restored the executive seal to him. The people of the State, when the mailed hand of the Federal government was removed, restored Colonel Barnett



to an office he had filled so long and well, and he unearthed the great seal from its hiding place and carried it back with him when he resumed the duties of his office. It is but just to say that the military officers appointed to fill the four most important offices in the State government left them, when civil government was restored, without taint of any sort attaching to their names. The duties imposed upon them were ungrateful, but they seemed to discharge them conscientiously, giving as little offense as possible to a proud and oppressed people.

The convention did all, and more than all, that was demanded by the reconstruction act and the orders of the military commander under whose auspices they had assembled. One requirement of the reconstruction act they could not comply with; they could not ratify the proposed fourteenth amendment which disfranchised and disqualified nearly all of the best men in the State, and clothed every ignorant and illiterate negro with all the rights of citizenship. This could be done only by a three-fourths vote of the Legislature. The convention therefore passed an ordinance, which was made effective by being incorporated in a military order, providing for the election of a Legislature, a Governor and members of Congress, on the 20th day of April, 1868. At the same time the constitution adopted by the convention was to be submitted for ratification or rejection to the qualified voters of the State. At this election the constitution was ratified by a majority of seventeen thousand votes, three-fourths of those voting being negroes, and a native of New York, Rufus B. Bullock, was elected Governor. A Legislature and Representatives in Congress were also elected.



The Legislature elected was convened by military order in Atlanta on the fourth of July, 1868. In it, as in the late Constitutional Convention, were members of every hue, but there was a lack of that unanimity of opinion which had marked the deliberations of the convention. The Senate was radical republican by a very decided majority. It elected as President Benjamin Conley, a radical republican of Northern birth, who had been for many years a resident of the State. The temper of Mr. Conley, and of the men who elected him President of the Senate, may be inferred from the following extract from his speech when he took the chair:

“The government has determined that in this republic—which is not, never was, and never can be a democracy—that in this republic republicans shall rule.”

A leader for a time in this body was a notorious negro carpet-bagger, Aaron A. Bradley, an ex-convict who had served a term in the New York penitentiary for felony. Later on, however, he was, through the persistent efforts of a few honest men in the Senate, prompted by State pride, expelled on the ground that having been convicted of felony he was ineligible under the terms of the constitution.

In the House of Representatives the republicans elected as Speaker, R. L. McWhorter of Greene County, a native Georgian who had made an honorable record as an officer in the Confederate army, but who, after the war, aligned himself with the dominant party. The House was more nearly equally divided than the Senate. While the democrats did not have half the seats neither had the radical republicans, but there was a third faction



which, while elected as republicans, was not in full accord with the radical wing of the party, and was opposed to some of the requirements of the reconstruction acts, among them the declaration of the right of negroes to hold office. They, at no time, had committed themselves to this doctrine. In the House there were twenty-eight negroes and in the Senate three.

Prior to this the convention had done everything required to be done in order to entitle Georgia to a restoration to her place in the Union on equality with all the other States, except the ratification of the fourteenth amendment, and this it could not do, as heretofore stated, because only the Legislature was, under the Constitution of the United States, competent to ratify an amendment to that instrument. On the 21st of July, to comply with this last requirement and secure the admission of Georgia's Senators and Representatives into Congress, both Houses of the Legislature, distasteful as it was to some of the members, ratified the amendment, thus complying with all the demands of the reconstruction acts and of the military commander of the district. On July 22d, Meade ordered all officers holding under military appointment to turn over their offices to their successors elected under the new constitution. On the 28th of July, Meade was relieved from duty as commander of the third military district. On July 22d Bullock, who had been acting as "Provisional Governor" by military appointment, was inaugurated as Constitutional Governor, and on the 25th the duly elected Representatives of Georgia to the national House of Representatives were sworn in and admitted to their seats. Her Senators, Messrs Joshua Hill and H. V. M. Miller, would doubtless have



been seated at the same time had they been present, but they were not, because Congress adjourned two days before they were elected by the Legislature.

Thus Georgia was a second time "reconstructed," and her long suffering people hoped that she had been sufficiently punished to satisfy her most relentless enemies. But not so. After she had been first devastated and impoverished by a four years' war and had, at its close, in good faith, submitted to the Johnson reconstruction, complied with every demand of the President of the United States and, subsequently, with equal patience, complied with all the extreme demands of the most radical wing of the republican party in Congress, aided by the Governor of the State to the utmost of his ability, again she was, for a third time, to be disciplined by another reconstruction.

The "Bullock Legislature," it will be remembered, met on the fourth of July. For the county of Randolph the Honorable William M. Tumlin and the Honorable David Goff had been elected members of the House of Representatives, and were so declared by General Meade in his order convening the General Assembly. They accordingly appeared, qualified and took their seats. A few days later two negroes, Isaac Reynolds and James Jackson, instigated by certain vindictive partisans to whom Tumlin and Goff had rendered themselves obnoxious, appeared and contested their seats. Mr. Tumlin, irritated by this high handed and unwarranted effort to oust him from his seat, on the eighth of August, introduced in the House a resolution declaring that persons of color were not eligible to seats in the General Assembly under the constitution and laws of the State. On the



same day a negro member from the county of Bibb, Turner by name, now a Bishop in the African Methodist Episcopal Church, introduced a resolution declaring that William M. Tumlin, sitting member from the county of Randolph, is not entitled to the seat he holds. These resolutions precipitated a long and bitter fight. The committee on privileges and elections dismissed without consideration the resolution of Turner declaring Tumlin ineligible. The chairman of this committee and a majority of its members were radical republicans.

On the question of the eligibility of negroes to hold office there were strong arguments on both sides. On the one side it was contended that negroes were citizens and voters under the 14th amendment to the constitution of the United States, and that the right to vote carried with it the right to hold office. The constitution of Georgia, under which this legislature was elected, was made by a convention in which there were many negro members, and an overwhelming majority of its members who were not negroes were the political friends of the negro, and most of them had been elected by negro votes. It would therefore be absurd to suppose that such a convention would frame a constitution which deprived many of its own members of the right to hold office, especially since in the election of delegates to this convention 85,000 negroes and only 25,000 white men had voted, and in the election to ratify the constitution 70,000 negroes and only 35,000 white men had cast their ballots.

On the other side it was claimed that the right to vote and the right to hold office are not inherent to citizenship, but only exist when specifically granted. The right to vote had been specifically granted to the negroes by the 14th



amendment, but the right to hold office had never been so granted and did not exist under the common law. Therefore it did not exist at all, and a negro could not hold office in Georgia.

The question had been raised in the case of White against Clements, *quo warranto*, in Chatham Superior Court in June, 1868, and was finally disposed of in the Supreme Court, but not until after the legislature had passed upon it. The decision was not unanimous, but the court was divided. Justice McCay, speaking for the majority in the court, sustained the right of the negro to hold office in an opinion from which the following is an extract:—

... “The right of the people, if they please to choose a colored man for an office, is a necessary incident to the right to vote. The right to vote is worth but little to the colored man if he is restricted in the exercise of that right, so that he can only vote for men of a white color. Suppose the white men in his county are all opposed to such measures as he deems necessary for the public good, the limitation of his vote to persons only of a white skin, is not only an infringement of his right to vote, solemnly guaranteed in the Constitution, but dangerous to his liberties. What is his right to vote worth, if he can only cast it for those ready to legislate against him? It is a mistaken view of human nature to suppose that, because ignorant men are not ineligible to office, that they will be elected to office. Intelligence and influence necessarily control ignorance and dependence. There is no need for any law to aid in this control. All experience shows that the strong will control the weak, no matter what is the law. True



wisdom consists in adding to the power of the weak, and restraining the strong. They, the strong, the independent, the rich, are in no danger. Under all circumstances the danger is to the poor, the ignorant, the weak, and if under any system of laws, they get anything like a fair chance, they will have better luck than the poor and ignorant ever yet have experienced. It is better, even for the strong, that they shall be restrained in the exercise of power over the weak, since human selfishness is very grasping, and even a worm will at last resist.

“We have in this State a large class of colored people; true, they are almost universally poor and ignorant, but they form a portion of the body politic, they are subject to the laws and can only be controlled by the laws. In the end, if those laws are unfair, unjust, unequal, they will breed discontent and disorder, and it is better for the peace and good order of society that all shall have equal rights. Even then the strong, the rich and intelligent, will have incalculable advantages over the poor and the ignorant, and need have no fears.”

Chief Justice Joseph E. Brown concurred, basing his opinion on the Code of Georgia, as follows:—

“The view which I take of the rights of the parties litigant in this case, under the code of Georgia, renders it unnecessary for me to enter into an investigation of the question; whether the Fourteenth Amendment of the Constitution of the United States, or the second section of the first article of the Constitution of Georgia, which, in substance, is identical with the Fourteenth Amendment, confers upon colored citizens the right to hold office. If the respondent in this case acquires the right by grant found in either of the said Constitutions, or in



the Code of this State, it is sufficient for all the purposes of the case at bar, and entitles him to a reversal of the judgment of the Court below, which was adverse to his right.

“The third paragraph of the ninth article of the Constitution of this State adopts, in subordination to the Constitution of the United States, and the laws and treaties made in pursuance thereof, and in subordination to the said Constitution of this State, the ‘body of laws known as the Code of Georgia, and the Acts amendatory thereof, which said Code and Acts are embodied in the printed book known as Irwin’s Code,’ ‘except so much of the said several Statutes, Code, and Laws, as may be inconsistent with the Supreme Law herein recognized.’

“The Code, section 1646, classifies natural persons into four classes: 1st. citizens, 2d. residents, 3d. aliens, 4th, persons of color. Section 46 of the Code declares that, all *white* persons born in this State, or in any other State of the Union, who are or may become residents of this State, with the intention of remaining herein; all *white* persons naturalized under the laws of the United States, and who are, or may become, residents of this State with the intention of remaining herein; all persons who have obtained a right to citizenship under former laws, and all children wherever born, whose father was a citizen of this State at the time of the birth of such children; or in case of posthumous children at the time of his death, are held and deemed citizens of this State. By the Code the distinction is therefore clearly drawn between citizens who are *white* persons and persons of color. In other words, none are citizens under the ‘printed book known as Irwin’s Code’ but white persons.



Having specified the class of persons who are citizens, the Code proceeds, in section 1648, to define some of the rights of citizens, as follows:

‘Among the rights of citizens are the enjoyment of personal security, of personal liberty, private property and the disposition thereof, the elective franchise, *the right to hold office*, to appeal to the Courts, to testify as a witness, to perform any civil function, and to keep and bear arms.’

“Section 1649 declares that, ‘*all* citizens are entitled to exercise *all* their rights as such, unless specially prohibited by law.’

“Section 1650 prohibits females from exercising the elective franchise, or holding civil office.

“Section 1651 prohibits minors from the exercise of civil functions, till they are of legal age.

“Section 1652 and 1653 prohibits certain criminals, and persons *non compos mentis*, from exercising certain rights of citizens.

“Article 3, chapter 1, title 1, part 2, of the Code defines the rights of the fourth class of natural persons, designated as persons of color: giving them the right to make contracts, sue and be sued, give evidence, inherit, purchase and sell property, and to have material rights, security of personal estate, etc., embracing the usual civil rights of citizens, but does not confer citizenship. Thus the Code stood prior to its adoption by the new Constitution.

“As already shown, it was adopted, in subordination to the Constitution, and must yield to the fundamental



law, whenever in conflict with it. In so far as the Code had conferred rights on the colored race there is no conflict, and no repeal. The Constitution took away no rights then possessed by them under the Code, but it enlarged their rights as defined in the Code, by conferring upon them the right of citizenship. It transferred them from the fourth class of natural persons, under the above classification, who were denied citizenship by the Code, to the first class, as citizens.

The 46th section of the Code limited citizenship to white persons. The Constitution struck out the word white, and made all persons born or naturalized in the United States, and resident in this State, citizens, without regard to race or color. It so amended section 46 of the Code, as greatly to enlarge the class of citizens. But it repealed no part of section 1648, which defines the rights of citizens.

“It did not undertake to define the rights of a citizen. It left that to the Legislature, subject to such guarantees as are contained in the Constitution itself, which the Legislature cannot take away. It declares expressly that no law shall be made or enforced which shall ‘abridge the privileges or immunities of citizens of the United States, or of this State.’ It is not necessary to the decision of this case to inquire, what are the ‘privileges and immunities’ of a citizen which are guaranteed by the Fourteenth Amendment to the Constitution of the United States, and by the Constitution of this State. Whatever they may be, they are protected against all abridgment by legislation. This is the full extent of the constitutional guarantee. All rights of the citizen, not



embraced within these terms, if they do not embrace all, are subject to the control of the Legislature.

“Whether the ‘privileges and immunities’ of the citizens embrace political rights, including the right to hold office, I need not now inquire. If they do, that right is guaranteed alike by the Constitution of the United States, and the Constitution of Georgia, and is beyond the control of Legislation. If not, that right is subject to the control of the Legislature as the popular voice may dictate; and in that case the Legislature would have power to grant or restrict it at pleasure, in case of white persons as well as of persons of color. The Constitution of Georgia has gone as far as the Fourteenth Amendment has gone, and no further. An authoritative construction of the Fourteenth Amendment by the Supreme Court of the United States upon this point would be equally binding as a construction of the Constitution of the State of Georgia, which is in the same words.

“Georgia has complied fully with the terms dictated by Congress in the formation of her Constitution. She has stopped nothing short, and gone nothing beyond. The highest judicial tribunal of the Union will no doubt finally settle the meaning of the terms ‘privileges and immunities’ of the citizens, which Legislation cannot abridge; and the people of Georgia, as well as those of all the other States, must conform to, and in good faith abide by, and carry out, the decision. All the rights, of all the citizens, of every State, which are included in the phrase ‘privileges and immunities’ are protected against legislative abridgement by the fundamental law of the Union. Those not so embraced, unless included within some other constitutional guaranty are subject to legislative



action. The same rights which the Fourteenth Amendment to the Constitution of the United States confers upon, and guarantees to, a colored citizen of Ohio, are conferred upon and guaranteed to every colored citizen of Georgia, by the same amendment, and by the Constitution of this State, made in conformity to the Reconstruction Acts of Congress.

“Whatever may or may not be the *privileges* and *immunities* guaranteed to the colored race, by the Constitution of the United States and of this State, it cannot be questioned that both Constitutions make them citizens. And I think it very clear that the Code of Georgia, upon which alone I base this opinion, which is binding upon all her inhabitants while of force, confers upon *all* her citizens the right to hold office, unless they are prohibited by some provision found in the Code itself. I find no such prohibition in the Code affecting the rights of this respondent. I am, therefore, of opinion that the judgment of the Court below is erroneous, and I concur in the judgment of reversal.”

Justice Hiram Warner, the oldest and one of the ablest jurists that ever occupied the bench of the court, dissented as follows:—

. . . “All citizens of the State, whether white or colored, male or female, minors or adults, idiots or lunatics, are entitled to have all the privileges and immunities of citizens, but it does not follow that all these different classes of citizens are entitled to *hold office* under the public authority of *the State*, because the privileges and immunities of *citizens* are secured to them. The State in this country, as the Crown in England, is the fountain



of honor, and of office, and she who desires to employ any class of her citizens in her service, is the best judge of their fitness and qualifications therefor. An officer of the *State*, as we have shown, 'hath to do with another's affairs against *his will*, and without *his leave*.' This authority of one citizen to interfere with the affairs of another citizen against *his will*, and without *his leave*, must be conferred by some public law of the State, from *that class* of her citizens, which in her judgment, will best promote the general welfare of the State. The right to have and enjoy the privileges and immunities of a *citizen* of the State does not confer upon him the *legal* right to serve the State in any *official* capacity, and thus to interfere with the affairs of other citizens of the State, without their leave, and against their will, until that right is expressly granted to him *by law*.

. . . The defendant cannot *legally* claim any right to hold office, either under the Fourteenth Amendment of the Constitution of the United States, or the Constitution of this State, which makes him a *citizen* and guarantee unto him, the privileges and immunities of a *citizen*, for he may well have and enjoy all the privileges and immunities of a *citizen* in the State, without the legal right to hold *any office*, or to exercise any public or official duty under *the authority of the State*. The privileges and immunities of a citizen of the State, as secured by the Constitution, do not confer the *legal right* to hold office under the *public authority of the State*, and receive the emoluments thereof.

. . . "It will be remembered, that at the time of the adoption of the Code in 1863, the defendant was *not a citizen* of this State, and was not recognized by the Code



as a *citizen thereof*. By the 1646th section, the *status* of the defendant is defined to be that of a *person of color*, and *not that of a citizen*. The Revised Code adopted by the Constitution of 1868, includes the Act of 1866, which declares that, 'all negroes, mulattoes, mestizoes, and their descendants, having one-eighth of negro or African blood in their veins, shall be known in this State as *persons of color*, and *specially* defines their legal rights; but the right to *hold office* is not one of them; Revised Code, section 1661.

"It is true, that *since* the Code was adopted as the public law of the State, the defendant has been made a *citizen*; but all the legal rights conferred upon citizens by the Code were conferred upon *that class of persons only*, who were declared and recognized by the Code as *citizens of the State*, at the time of its adoption. When the Code declares, that it shall be the right of a *citizen* to hold office, such right is confined to that class of persons who were recognized and declared therein to be *citizens of the State at that time*, and not to any other class of persons who might *thereafter* become citizens. So, when the Code declares, that 'all *citizens* are entitled to exercise all their rights as such, unless prohibited by law,' it is applicable to that class of persons only who were declared to be *citizens of the State at that time*, and not to any other class of persons who might *thereafter* be made citizens of the State, such as Chinese, Africans, or persons of color. The truth is, that *the public will of the State* has never been expressed by any legislative enactment in favor of the right of her colored citizens to hold office in this State, *since they became citizens thereof*. Although, these several classes of persons



might be made citizens of the State, with the privileges and immunities of citizens, still they could not *legally* hold office under the authority of the State, until that right shall be conferred upon them by some public law of the State, *subsequent* to the time at which they were made citizens, so as to embrace *them* within its provisions. The public will of the State, as to the legal right of *that class* of her citizens to hold office, has never been affirmatively expressed; but, on the contrary, when the proposition was distinctly made in the Convention which framed the present Constitution, to confer the right upon colored citizens to *hold office* in this State, it was voted down by a large majority. So far as there has been any expression of the public will of the State, as to the legal right of *that class of citizens* known as colored citizens, *since* they became such, to hold office in this State, it is *against* that right now claimed by the defendant. The insurmountable obstacle in the way of the defendant's *legal* right to hold office in this State, under the provisions of the Code, is the fact, that he was *not a citizen* of the State at the time of its adoption. The class of persons to which he belongs, were not recognized by it as *citizens*, and therefore he is not included in any of its provisions which confer the right to hold office upon *the* class of citizens specified in the Code.

“Persons of color were not in the contemplation or purview of the law-makers when they declared and defined the *rights of citizens* in the Code with respect to *holding office*, and to *keep and bear arms*, as therein expressed. The Code makes no provision whatever for *colored citizens* to hold office in this State; all its provisions apply exclusively to *white* citizens, and to no other



class of citizens. The Convention which framed the State Constitution, and declared persons of color to be citizens, *could* have conferred the right upon them to hold office, but declined to do so by a very decided vote of that body, and went before the people, claiming its ratification upon the ground that colored citizens were *not entitled to hold office* under it, and there can be no doubt that the people of the State voted for its ratification at the ballot-box with *that understanding*. But *now it is* contended that the defendant, though a person of color, whose *status* was fixed by the Code, had been made a *citizen* of the State and of the United States, and that no enabling act has ever been passed, to allow a naturalized citizen to hold office in this State where he possessed the other requisite qualifications prescribed by law; that the defendant having been made a citizen of the State, is entitled to hold office in the same manner as a naturalized citizen could do. The reply is, that naturalized citizens were *white* persons, and as such had a common law right to hold office in this State, a right founded upon immemorial usage and custom, which has existed so long that the memory of man runneth not to the contrary. This principle of the common law is recognized and adopted by the Code as being of force in this State. Until the adoption of the Code in 1863, there was no *statute law* declaring that it should be one of the rights of a *white* citizen to *hold office* in this State. The Code, when it declares that one of the rights of *that class of citizens specified therein*, shall be the right to *hold office*, did nothing more than *affirm* a common law right which the native-born and naturalized *white* citizen had always enjoyed in this State by immemorial usage and custom. The *legal* right of the *white* citizen to hold office in this State was just as perfect and



complete under the rule of the common law before stated, *anterior* to the adoption of the Code in 1863, as it is now *since* the adoption of the Code. The Court simply *affirmed* the common law, as the same had always existed in this State, in relation to the right of a *white* citizen to hold office. No such common law right, however, can be claimed in this State, in behalf of persons of color, to *hold office*. They had but *recently* been made citizens of the State, and have not heretofore enjoyed the right, either to vote, or to hold office. They can claim nothing by *usage* and *custom*, under the rule of the common law, either as it regards their right to *vote*, or to *hold office*. Before they can claim the legal right to vote, or to hold office in this State, they must show the *positive* enactment conferring that right, either in the Constitution of the State, or in some statute of the State, passed *since* they became citizens thereof. . . . The native-born or naturalized *white* citizen can claim his common law right to hold office in this State. The colored citizen cannot claim any such common law right, for the reason that he has never exercised and enjoyed it heretofore, and that constitutes the difference between the *legal* right of a naturalized *white* citizen to hold office in this State, and a person of color, who has *recently* been made a citizen, *since* the adoption of the Code, and who is not embraced within its provisions. The one can claim a common law right to hold office in the State, by *immemorial usage and custom*, the other cannot, and until the State shall declare, by some legislative enactment, that it is her will and desire, that her colored citizens shall hold office under *her authority*, they cannot claim the *legal* right to do so; for we must not forget that the State is the *fountain* and *parent* of office, and may



confer or refuse to confer the right to hold office, upon *any class of her citizens* she may think proper and expedient. When a *new class* of persons are introduced into the body politic of the State, and made citizens thereof, who cannot claim a common law right to hold office therein, by immemorial usage and custom, it is incumbent on them to show, *affirmatively*, that such right has been conferred upon them by some public law of the State, *since* they were made citizens thereof, to entitle *them* to have and enjoy such right. In other words, they must show the public law of the State, enacted *since* they became citizens thereof, which confers the *legal right claimed*, before they can demand the judgment of the Court in favor of such legal right.

“All male white citizens of the State, whether native-born or naturalized citizens (having the necessary legal qualifications), have a common law right, by immemorial usage and custom, to hold office therein, under her authority; and in order to deprive them of that common law right, a *prohibitory* statute is necessary. A naturalized citizen could claim this common law right to hold the office of President of the United States; hence the prohibition in the Constitution thereof. But as colored citizens of the State, who have recently been made such, cannot claim any common law right to hold office therein under her authority, no *prohibitory* statute is necessary to deprive them of a right which they never had, either under the common or statute laws of the State. When, therefore, it is said, that colored citizens have the legal right to hold office in the State, unless *specially prohibited by law*, it must be shown *affirmatively*, that they had previously enjoyed that right. If they cannot show



their right to hold office in the State, either under the provisions of the Constitution, the statutes thereof, or by the common law, the fact that they are not *especially prohibited* from exercising a right which they never had, amounts to nothing, so far as *investing* them with the legal right to hold office is concerned. . . .

“By the laws of this State, as declared by the unanimous judgment of this Court, in the case of *Cooper & Worsham vs. the Mayor and Aldermen of the City of Savannah*, free persons of color were not entitled to vote, or to hold any civil office in this State; and thus the law stood at the time of the adoption of the Code in 1863 by the Legislature. The Constitution of 1868 made them citizens, and conferred upon them the right to *vote*; but the Convention that framed that Constitution *expressly refused* to confer upon them the right to *hold office*, as the Journal of that Convention most clearly shows. The Code does not confer upon the colored citizens of this State the right to *hold office*, for the reason that it was adopted by the Legislature five years *before* they became *citizens*, and they were not contemplated or embraced within any of the provisions thereof, which declared and defined the right of *that class* of citizens specified therein. They cannot claim a common law right, by immemorial usage and custom, to hold office in this State; and until such right shall be conferred upon them, by some *public law of the State*, they cannot claim any *legal* right to its enjoyment, under the *present existing laws* thereof.

“After the most careful examination of this question, I am clearly of the opinion, that there is no *existing law of this State* which confers the right upon the colored citizens thereof to hold office.”



The Legislature had, however, declared the negro members ineligible to seats in that body before the Supreme Court was heard from. On the third day of September the House of Representatives, by a large majority, declared its negro members ineligible, and on the twelfth day of September the Senate expelled the two remaining negro Senators, one of them, Bradley, having been previously expelled because he had been convicted of felony some years before in a New York court.

The vote unseating the negro members was not a party vote. All democrats voted for the measure and in addition many republicans. The republican members were divided into two factions, the radical republicans who believed, or professed to believe, that there was no difference between a white man and a negro except color, that "God had made all men free and equal" in all respects, and the moderates who had never subscribed to this doctrine, as they had not to some other republican dogmas, but who, as a matter of policy, not of principle, had acted with and were classed as republicans. At heart they had never been converts to the doctrines of the radicals. The former class voted against the expulsion of the negro members, the latter voted with the democrats to oust them. Governor Brown was the most prominent and influential among the moderates, while Governor Bullock was the leader of the radicals.

Congress was not in session when this action was taken, and, consequently, nothing could be done to nullify it, for Congress had declared that it alone, and not the President, had the right to reconstruct the rebel States. It served, however, to arouse the Northern people and draw all eyes to Georgia. When Congress met on the



first Monday in December, 1868, the fires of partisan fury blazed up more ominously than ever before. Scores of new measures were brought forward to bring Georgia under discipline. Mr. Butler of Massachusetts, known throughout the South as "Beast Butler" because of the infamous order he issued reflecting on the ladies of New Orleans when he commanded the military forces stationed there, had a remedy for the existing evils in the rebellious State; Sumner, had another, and even conservative old Senator Edmonds introduced a bill "to repeal the act of June 25th so far as it relates to the admission of Georgia into the Union, and to provide a provisional government for that State."

The Committee on Reconstruction was instructed to inquire into the condition of affairs in Georgia and report to the House what course should be pursued in regard to the Georgia Representatives who had been admitted to their seats before the adjournment of the last session. These men had also been elected to represent the State in the present Congress. Many Georgia radicals, both white and black, appeared before the committee and testified, demanding further Federal action in the State. Governor Bullock was the leader of the host of malcontents who invaded the national capital, demanding that the people of Georgia be still further punished and humiliated.

A presidential election had just been held, and the vote cast at that election had to be counted and announced on the tenth of February. If Georgia was *in* the Union she was a State and her vote should be counted in the joint assembly; if she *was not* a State in the Union she



was a conquered territory under a Provisional Governor.

The national House of Representatives had admitted her Representatives and thereby acknowledged that Georgia was a State in the Union; the Senate had refused to admit her Senators because Georgia was not a State in the Union, but only a military district. In view of this awkward situation into which the two Houses had gotten themselves, they dodged the question by agreeing to announce, when the electoral vote was counted, that counting the vote of Georgia, Grant and Colfax had received — votes and Seymour and Blair — votes, but excluding the vote of Georgia, Grant and Colfax had received — votes and Seymour and Blair — votes.

On the fifth of March the forty-first Congress met. The Representatives from Georgia who had been admitted to the fortieth Congress had also been elected to represent the State in the forty-first. They presented their credentials and offered to be sworn in, but they were not. Their credentials were referred to the committee on elections. Thus again the House dodged the main question and Georgia was left “out in the cold.” She was sometimes a State in the Union and sometimes a mere military district under a Provisional Governor, as the exigencies of the occasion required. Bullock was sometimes “Rufus B. Bullock, Governor,” and sometimes “Rufus B. Bullock, *Provisional* Governor,” as best served the end to be attained.

It is a noteworthy fact that a number of bills were introduced about this time concerning Georgia, all looking to the enforcement of the fourteenth amendment which it was alleged had been grossly violated in the or-



ganization of the Legislature on the fourth of the preceding July. Members who were disqualified under that enactment were allowed to qualify and take seats, and later the colored members, who were not disqualified, had been ejected, and thus the "equal protection of the law" had been denied them. If Georgia was a State she had violated this amendment and Congress had the power to enforce the amendment and correct the wrongs done by the State Legislature. If Georgia was not a State then her government was only "provisional," and she had not violated the fourteenth amendment, but Congress could, under the reconstruction act, correct her mistakes and right the wrongs perpetrated by the Legislature. Some of the republican leaders wanted to treat her as a State and enforce the amendment; others, led by Bullock, insisted that she was not a State, the members of her Legislature not having taken the test oath, and that the provision of the omnibus bill admitting her was a nullity; that her government was only provisional and that she was as yet, in all respects, subject to the paramount authority of the United States and the military commander of the district. There was thus no unanimity of opinion as to her real status, nor as to the method to be employed to further discipline the refractory State. Congress adjourned without coming to any agreement. At the opening of the next session of Congress in December 1869, party leaders got together and all abandoned the theory that Georgia was a State, and united on a bill "to promote the reconstruction of the State of Georgia," which treated her as conquered territory and her government as merely provisional. There was a cogent reason for this unexpected change of front by some of the leaders and hearty co-operation of all in disposing of the long



debated question as to what Georgia's status was and what she should be required to do. In February, 1869, Congress had submitted for ratification by the Legislatures of the several States, the fifteenth amendment in the following words, to-wit:—

“The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.”

Some States had ratified it, but quite a number had rejected it, and it had now become apparent that it would fail of adoption by just one vote. Georgia could be coerced into furnishing that one vote by declaring her not now a State in the Union, but still under a provisional government. The bill proposed so treated her, and was identical with the bill of the last session with the additional requirement that “the Legislature shall ratify the fifteenth amendment before Senators and Representatives from Georgia are admitted to seats in Congress.” The aid of the President, Grant, and of General Terry, who commanded the department, was invoked. Grant sent a special message to Congress urging congressional intervention, and Terry reported great disorder in Georgia and that further military rule was imperatively necessary. Republican leaders in Congress spoke vehemently of “rebel rule in Georgia,” and of the massacre of colored men. “Beast” Butler, in an impassioned strain, said if the bill was not at once passed “the rest of the republican majority of that State may be murdered, even during Christmas week when the Son of God came on earth to bring peace and good will to men.” The horrors of the “rebel rule” and the “Ku Klux Klan” were



painted in vivid colors, the Ku Klux Klan being always treated as a political organization, when, in fact, it was never a political organization at all, but an organization of a few of the best and most law abiding citizens in almost every community throughout the South, solely for the purpose of preventing lawlessness, plunder and the destruction of Southern civilization. It was composed almost entirely of Confederate soldiers just out of the army, who had had, during the last four years, enough of carnage and bloodshed and who were anxious now for peace and order. This organization had been made necessary by another organization, the Union League, composed almost entirely of negroes, organized by the carpet-baggers and sealawags in all the Southern States. It was purely political, and its leaders, the carpet-baggers, assisted by many alien agents of the freedmen's bureau, had banded the negroes together in secret oath bound lodges all over the country. They had them to meet at the dead hours of the night, and taught them the doctrines of political and social equality, and lost no means of instilling into their simple minds the idea that the white men of the State were their enemies and were only waiting for an opportunity to put them back into slavery. According to the teachings of these men, the sole object of the democrats was to re-enslave the negroes. They assured them that they were "the wards of the nation" and that if they were loyal to the league the government would protect them and see to it that there was a satisfactory division of the property of the South, the product, as they were told, of their own labor. Under such teachings many negroes became dissatisfied and turbulent. Fertile fields lay uncultivated for want of laborers. Large numbers of negroes congregated in the towns and



cities in idleness and lived by pilfering and plunder. Roving parties wandered through the country or gathered about the camps of Federal soldiers, who were stationed at almost all the county sites and other towns, robbing hen roosts, potato patches and corn fields, impressed with the idea that "freedom" meant freedom from work.

The Ku Klux Klan was organized to counteract these marauding negroes. It sometimes administered corporal punishment when the offender was insolent or incorrigible, but it usually accomplished its object by appealing to the superstitious fears of the negroes, and to this end detachments of the clan moved silently around the neighborhood, almost nightly, masked, and clad in long, loose robes, mounted on horses whose hoofs were muffled so that they moved silently over the roads and around the plantations.

This last bill for the reconstruction of Georgia, sometimes called "the reorganization bill," became a law on the 22d day of December, 1869. Under its provisions Bullock, who had been elected and inaugurated as Constitutional Governor, and who had signed the commission of Senator Joshua Hill and many other public papers "Rufus B. Bullock, Governor," now, in accordance with the construction put on the bill by himself and Terry, ceased to be a Constitutional Governor and became only Provisional Governor, subject to the orders of General Terry, the commander of the military department, and now signed all official papers "Rufus B. Bullock, Provisional Governor." The act required him to at once summon all persons, white and black, who were declared by Meade elected in April, 1868, members of the Legislature. Each of these persons was required to take an oath



that he "had never been a member of Congress or of a State Legislature, or held any civil office created by law for the administration of any general law of the State, or for the administration of justice in any State or under the laws of the United States, nor served in the military or naval forces of the United States as an officer and thereafter engaged in or supported hostilities against the United States." All who could take this oath were to be admitted as members, and no others, unless they could swear that they had been relieved of such disability by act of Congress. All who could take neither of these oaths were excluded. The act declared that exclusion of any one on account of race or color would be "illegal and revolutionary." It was made the duty of the President, upon application of the Governor, to use military force to carry out the provisions of the act. In pursuance of the provisions of this act Governor Bullock issued a proclamation, dated December 22, 1868, ordering the men whom Meade had declared elected to the Legislature at the April election to convene in Atlanta on the 10th of January, 1869. All the members, white and colored, declared by Meade to have been elected, came in response to the Governor's call. The Senate re-organized at once without difficulty. All of the officers elected in July were re-elected, because a majority of the Senate had been from the beginning radical. In the Lower House, which had been nearly evenly divided between the conservatives and the radicals before the passage of the reconstruction act, there was more difficulty. Bullock, disregarding law and precedent, appointed a "clerk pro tem." to organize the House. This clerk pro tem. was one Harris, "Fatty" Harris he was called. He was a carpet-bagger in no way connected with the Legislature



or the State government. The conservatives stoutly objected to this innovation as unwarranted usurpation, but Harris, backed up by Bullock and Terry, held his ground. A few members were sworn in, when the proceedings were arrested. A question had been raised as to the construction to be put on that clause of the act requiring each member to swear he had "never been a member of Congress or of a State Legislature, or held any civil office created by law for the administration of any general law of a State or for the administration of justice in any State, or under the laws of the United States, nor served in the military or naval forces of the United States as an officer and thereafter engaged in or supported hostilities against the United States." To settle the question Bullock called on his Attorney General, H. P. Farrow, for an official interpretation of the law. This officer, in a day or two, submitted a lengthy opinion to the effect that the intention of the law was to exclude almost every person who had ever held any office, not even excepting mayors and aldermen of small towns who had aided or sympathised with the South in the war, thus virtually excluding every member, not a member of the dominant party, who had at any time had experience in the work of legislation. Bullock and Terry, who had usurped all the powers given to Meade and Pope by the reconstruction act, eagerly accepted this construction of the law as correct and acted upon it. The sole object of the reorganization act, under which they were acting, was, as appeared on its face, to force Georgia to do two things, to-wit:—

First, to purge the Legislature and reorganize it, and

Secondly, ratify the fifteenth amendment.

This act really superceded the reconstruction act and



repealed it, but Terry and Bullock held that it did not repeal it, and that Terry, under it, had all the powers conferred on the commander of the third military district by the reconstruction act. He therefore, at once, virtually took charge of the Legislature and ordered and forbade it to do or not to do as suited his whim. It was alleged that many members of the Legislature, none radical, but all conservatives, who were present to take one of the test oaths prescribed, were going to perjure themselves and take their seats. Terry, to prevent this, ordered Harris, the clerk protem., to adjourn the House day after day and swear in no more members until these questions of eligibility could be settled on the rule prescribed by Farrow, and to settle them recourse was had, not to a committee on privileges and elections made up of members of the House whose rights to seats was unquestioned, as was the case in Congress and in the Legislature of every State, but to a board of army officers to pass upon the eligibility of members. Twenty-one members who had not qualified were investigated by them; eleven were allowed to take their seats, five were excluded, and the remainder were excluded until their "disabilities were removed by Congress." Five who had already qualified were unseated and "the next highest" seated in their stead. In the meantime Harris, under the orders of Terry, adjourned the House, from time to time, until the 26th day of January, when he proceeded to reorganize it, it having been purged of all members objectionable to Bullock and Terry and all of the colored members having been reseated. All of the radicals who had been elected to offices in the House at its first organization in July, including the Speaker, were re-elected, but all of the conservatives were beaten. Thus the two



Houses were, it would seem, ready to proceed with the usual business of legislative bodies. Bullock submitted to them for ratification the fifteenth amendment, which they had at their first session rejected. As its ratification was made a condition precedent to the admission of Georgia's Senators and Representatives in Congress, and as it was well known that the act under which the Legislature had been convened was passed by Congress for the sole purpose of forcing Georgia to ratify this amendment and thus save it from defeat, which was inevitable if Georgia did not ratify it, the conservatives made no fight against it, and many of them voted for it hoping that its adoption would end the contest and restore Georgia to the condition of a State, not a mere military district presided over by a Provisional Governor, the tool of a military satrap whose orders seated and unseated members, superceded laws and nullified the judgments of the courts of law. But a radical faction in Congress would not have it so. They insisted that before they could be permitted to take any part in legislation, Georgia must be formally admitted as a State by act of Congress. Butler introduced a bill to readmit the State, but in his bill was a provision which virtually prolonged the term of this reorganized Legislature for two years. Many amendments to the bill were offered and discussed in both Houses, and, finally, the two Houses agreed on a bill and it became a law on the 15th of July, 1870. The gist of the bill is contained in this extract:—

“It is hereby declared that the State of Georgia is entitled to representation in the Congress of the United States, but nothing in this act contained shall be construed to deprive the people of Georgia of the right to



an election of members of the General Assembly of said State, as provided for in the constitution thereof."

Thus Butler succeeded in keeping the Georgia delegation out of Congress until they were admitted by special act, but failed in his main object, which was to keep the Bullock Legislature in office until the regular election in 1872.

This looked like the end of reconstruction in Georgia, but it was not. Governor Bullock, ever resourceful, determined to make one more effort to perpetuate military rule, because as Provisional Governor under a military satrap he could reward his friends and punish his enemies with a freer hand than he could as Constitutional Governor of a State. He, therefore, on the 18th of July, 1870, transmitted to the Legislature a special message in which he reminded the members that a mere declaration by Congress that Georgia is a State and is entitled to representation in Congress, did not take her from under military rule, but that it must continue, under the provisions of the reconstruction act, until her Senators and Representatives were actually sworn in and seated. He quoted section five of the reconstruction act relied on to perpetuate military rule, as follows:—

"Whenever any one of the rebel States have fulfilled all the requirements said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom, and then and thereafter the preceding sections of this act shall be inoperative in said State."

Congress was not in session and would not be until the first Monday in the following December, and Geor-



gia's Senators and Representatives could not therefore be admitted to their seats until after that time. Thus military rule in Georgia must continue nearly five months longer. The Governor's ingenuity and wisdom were applauded by the radical republicans in the Legislature, and to carry out his idea a resolution was offered on the 26th of July that "the authority of the United States was still paramount in Georgia, that no offense ought to be offered to Congress by an apparent denial of this fact, and that therefore no election should be held in the State until Congress had fully recognized its Statehood by receiving its Representatives." But, be it said to the credit of the moderate republicans in the House of Representatives, that enough of them united with the democrats to defeat this last effort to perpetuate bayonet rule, and, in violation of the constitution and laws of the State, extend for two years more the official term of this, the most odious Legislature that ever assembled in Georgia.

Bullock, in the same message, advised the Legislature that notwithstanding the government of the State was only provisional, they could now go on with legislation, since General Terry had informed him, Bullock, that he would allow it. They accordingly proceeded with legislation. They legislated on almost every conceivable subject. An extravagant system of State aid to railroads was inaugurated, money was borrowed and bonds of the State issued, so that at the close of their terms they had fixed on the State liabilities, direct and contingent, amounting to forty millions of dollars. Three-fourths of this was contingent liabilities incurred by the pledged endorsement by the State of the bonds or railroads in course of construction or in contemplation. The bonds of some of these roads were actually endorsed,



but before most of the roads had begun a new Legislature was elected which repealed all State aid laws where rights had not already vested. Some of the bonds endorsed by Governor Bullock, in violation of law or without authority of law, were outlawed by the State, but every dollar of bona fide liability, direct and contingent, was recognized and paid.

When Congress assembled in December, 1870, the entire delegation elected to represent Georgia in the national House of Representatives was admitted. There were two pairs of Senators claiming the Georgia seats; Hill and Miller, elected in 1868, before the unseating of the negro members, and Farrow and Whitely, elected by the same body after the expelled colored members had been restored to their seats. The seats were rightly awarded to Hill and Miller. Hill was at once admitted to his seat and could take the test oath, having opposed the secession of the State and having lent no aid to the Confederacy. Miller could not take the test oath, but by special act of Congress his disabilities were removed, and in February, on the eve of the final adjournment of Congress, he was admitted.

Thus, finally, was Georgia, after four years of devastation and war, and six years more of "reconstruction," more disastrous to the interests of the people than actual war had been, restored to her place in the Union, to which her people had always been warmly attached until they were driven out of it by the triumph at the polls in 1860 of a coalition of fanatics, and those who for many years had fattened at the expense of the great mass of the people of the republic.

But her State government was still in the hands of



her enemies. Bullock, the embodiment of racial fanaticism, was Governor, and a Legislature, the most odious that ever assembled at her capital, still occupied her halls of legislation. This Augean stable had to be cleaned out, and the day of cleansing was near at hand. Under the law a general election for Senators and Representatives was to be held on the first day of November, 1870. The election was accordingly held and resulted in the overwhelming defeat of the radicals. As a large majority in both Houses would be democrats, Governor Bullock became greatly alarmed. Impeachment was threatened, and he feared the result of an impeachment trial by a Senate, a large majority of whose constituents had been insulted and humiliated by him and his radical allies during the last four years. He, believing in the truth of the maxim that "discretion is the better part of valor," quietly resigned his office on the 23d day of October and fled from the State. Conley, the radical President of the last Senate, assumed the duties of the Executive Office. On the first day of November, 1871, the new Legislature met and found Conley in the Executive Office. Up to this time it was not generally known that Bullock had resigned. There was a provision in the constitution that "the General Assembly shall have power to provide by law for filling unexpired terms by a special election." On the 22d day of November a bill was passed ordering a special election for a Governor to fill out Bullock's unexpired term. Conley vetoed the bill on the ground that the provision of the constitution above quoted meant that the General Assembly should have power to enact a general law providing for the filling out of all unexpired terms, but not power to order a special election to fill out a single unexpired term. Both



Houses of the Legislature passed the bill over his veto, and the special election for a Governor was held as provided in the bill, and James M. Smith, a man who illustrated in his official career the "omnipotence of honesty," was, on the 11th of January, declared by the General Assembly, after the consolidation of the vote, elected, and on the 12th was inaugurated Governor.

This was the end of radical rule in Georgia. Her own people, who had made her the Empire State of the South, were now, for the first time since the close of the war, in complete control of their State Government. Investigation of the official conduct of Governor Bullock and of the financial condition of the State was instituted. For the result of these investigations the reader is referred to the reports of the committees which made them, which appear in another volume of this compilation.

From the foregoing narrative of facts, all of which have been gathered from official records and documents now to be found either in the State Capitol in Atlanta or in the National Capitol in Washington, it will be seen that Georgia was really "reconstructed" three times between April 1865, and December, 1870.

The first reconstruction was that of President Andrew Johnson, made as commander-in-chief of the armies of the United States under the power recognized by all nations of the victor to prescribe terms to the vanquished. Under this reconstruction the State was required to repudiate her war debt and ratify the thirteenth amendment to the constitution of the United States abolishing slavery. She promptly, for the sake of peace, did both.

She was again reconstructed under the general re-



construction act of March, 1867, and was required to ratify the fourteenth amendment conferring civil rights on the negro. She first rejected it, but afterwards it was ratified by the Bullock Legislature.

She was finally reconstructed under the provisions of the reorganization act, which required her to reseate the negro members of the Legislature who had been declared ineligible and ejected from their seats, and ratify the fifteenth amendment conferring the elective franchise on negroes.

All of these reconstructions were under the direction and control of a military commander, under whose orders the Provisional Governor and the Legislature were required to act.

The first reconstruction, inaugurated by Lincoln and adopted by Johnson, was necessary, proper, and was the logical sequence of the War between the States. The other two were wicked and unnecessary, and were required by the radicals for two purposes, to punish and humiliate the Southern people and to recruit the ranks of the republican party by enfranchising the recently emancipated slaves and thus enable the party to perpetuate itself in power indefinitely. Ostensibly the last two reconstructions were to protect the negro in his newly acquired freedom against the Southern white people who, it was alleged, were hostile to him and would re-enslave him unless he was armed with the ballot as a weapon of protection. There had never been any friction between the races in Georgia. On the contrary, their relations had always been most amicable, and between the master and his family and the slave and his wife and children there had existed a real affection and



a mutual trust and loyalty rarely found between employer and employe. This was illustrated during the progress of the war when all of the white men in the State went into the army leaving their wives and children under the care and protection of their slaves, and there is no instance in which this trust was betrayed. The numerous murders and assaults on white women, which became so frequent after the carpet-baggers and scalawags, to promote their own political power and aggrandizement, had taught them the pernicious doctrines of not only political but social equality, were unheard of, and the negro race as a whole was happier and healthier than it has ever been since the restraining care and protection of the master has been withdrawn.

There never was in the politics of Georgia a resort to a "shot gun policy" to control the negro vote in elections. Under the tutelage of the carpet-bag leaders the negro soon learned to sell his vote, and the average plantation negro, never realizing the responsibility of citizenship nor the sanctity of the ballot, regarded it from the beginning as an article of merchandise to be disposed of on election day to the highest bidder. This weakness on the part of the plantation negroes of Georgia was the salvation of the State. Seeing rival candidates of the opposition party controlling elections through the agency of the venal negro vote, conservative men, who earnestly desired the welfare of the State, believing the end justified the means, resorted to this method of controlling elections and saving the State from spoilation by dishonest and unscrupulous legislators and other public officers. To enable an honest man to qualify as a member of the Legislature without perjuring himself the oath was so amended that instead of



swearing that he "had not given, offered or promised, or caused to be given or offered or promised, to any person, any money, treat or thing of value with intent to effect any vote or to prevent any person voting at the election at which he was elected," he was only required to swear "on all questions that may come before me I will so conduct myself as will, in my judgment, be most conducive to the interest and prosperity of this State."

Thus the evils of universal negro suffrage were nullified in Georgia until sanity returned to the people of the States which had waged war against the South, and the Southern States were permitted to throw safeguards around the ballot box and lawfully eliminate this venal vote.

Such were the expedients resorted to during and subsequent to the era of radical reconstruction to maintain white supremacy in Georgia.

There are more negroes in Georgia than in any other State in the union. There is no discrimination against them in the courts, but the law is impartially administered, and they are better satisfied in Georgia than perhaps in any other State. The negro has an equal chance in all fields of industry, and for forty years, free schools, supported almost entirely by the white race, have been open to his children. Many of them have made commendable progress in education and other things that go to make up good citizenship, but the prediction of General Pope, the optimistic commander of the "third military district," in 1867, that if they should make the same progress during the succeeding five years that they



had made in the five years preceding, the preponderance of intelligence would shift from the white to the colored race, is as far from realization now as it was forty three years ago when the prediction was made.



## GENERAL ORDERS, 1867.

HEADQUARTERS OF THE ARMY,

ADJUTANT GENERAL'S OFFICE,

*Washington, March 15, 1867.*

GENERAL ORDERS,

No. 18.

The President directs that the following change be made, at the request of Major General Thomas, in the assignment announced in General Orders, No. 10, of March 11, 1867, of commanders of Districts, under the Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," and of the Department of the Cumberland, created in General Orders No. 14, of March 12, 1867:

Brevet Major General John Pope to command the Third District, consisting of the States of Georgia, Florida, and Alabama; and Major General George H. Thomas to command the Department of the Cumberland.

BY COMMAND GENERAL GRANT.

E. D. TOWNSEND,

*Assistant Adjutant General.*

Official:

*Assistant Adjutant General.*



[By telegraph.]

WASHINGTON, March 27, 1867.

MAJOR GENERAL THOMAS,

*Louisville, Kentucky:*

District commanders of the States of Alabama and Georgia to disallow all elections, State or local, until General Pope arrives and assumes command.

U. S. GRANT, *General.*

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's office, July 8, 1867.

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[By telegraph.]

WASHINGTON, March 27, 1867.

COMMANDING OFFICER,

*Augusta, Georgia:*

Prohibit all elections within your command until General Pope arrives and gives his orders in the matter.  
Answer.

U. S. GRANT, *General.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's office, July 8, 1867.



## [General Orders No. 1.]

## HEADQUARTERS THIRD MILITARY DISTRICT.

(Georgia, Alabama and Florida.)

MONTGOMERY, ALA., April 1, 1867.

I. In compliance with General Orders No. 18,\* dated Headquarters of the Army, March 15, 1867, the undersigned assumes command of the third military district, which comprises the states of Alabama, Georgia, and Florida.

The districts of Georgia and Alabama will remain as at present constituted and with their present commanders, except that the headquarters of the District of Georgia will be forthwith removed to Milledgeville.

The district of Key West is hereby merged into the District of Florida, which will be commanded by Colonel John T. Sprague, 7th United States infantry.

The headquarters of the district of Florida are removed to Tallahassee, to which place the district commander will transfer his headquarters without delay.

II. The civil officers at present in office in Georgia, Florida, and Alabama will retain their offices until the expiration of their terms of service, unless otherwise directed in special cases, so long as justice is impartially and faithfully administered. It is hoped that no necessity may arise for the interposition of the military authorities in the civil administration, and such necessity can only arise from the failure of the civil tribunals to

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protect the people, without distinction, in their rights of person and property.

III. It is to be clearly understood, however, that the civil officers thus retained in office shall confine themselves strictly to the performance of their official duties; and whilst holding their offices they shall not use any influence whatever to deter or dissuade the people from taking an active part in reconstructing their State Governments, under the act of Congress to provide for the more efficient government of the rebel States, and the act supplemental thereto.

IV. No elections will be held in any of the States comprised in this military district, except such as are provided for in the act of Congress, and in the manner therein established; but all vacancies in civil offices which now exist, or which may occur by expiration of the terms of office of the present incumbents, before the prescribed registration of voters is completed, will be filled by appointment of the general commanding the district.

JOHN POPE,

*Major General Commanding.*



OFFICE U. S. MILITARY TELEGRAPH,

WAR DEPARTMENT,

WASHINGTON, D. C., April 1, 1867.

From Montgomery, Alabama, April 1, 1867—3:40 p. m.

GENERAL U. S. GRANT,

*General-in-Chief:*

Arrived and assumed command this morning. Orders sent by mail.

JOHN POPE, *Brevet Major General.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's office, July 8, 1867.

MONTGOMERY, ALABAMA, April 2, 1867.

GENERAL: I have the honor to transmit, enclosed, my order\* assuming command of the third military district.

The paragraph suspending elections until the registration of voters is completed, and they can be conducted in compliance with the act of Congress, you will readily see the necessity of. I thought it necessary, in retaining the present civil officers, to provide against the exercise of their official influence while holding such offices, to prevent the people from taking action on the reconstruction of their State governments. This was the more

\*General Orders No. 1, page 57.



necessary as most of the civil officers are understood to be active secessionists, and disposed to counsel the people to inaction or open opposition.

The effect of the reconstruction bill upon the people of this section of country has been excellent, and it seems certain that in Alabama reconstruction will be accomplished as speedily as the act of Congress will permit. In Georgia, there will be more opposition to any action in that direction, though the advocates of reconstruction are bold and active, and feel assured that by the time registration is completed the public mind will have been made up to support the necessary measures.

As I have said, no difficulty is apprehended in Alabama, where the Governor and most of the State officers are actively committed to reconstruction, and for that and other reasons I deem it judicious to transfer my headquarters to Georgia. General Swayne, the commanding officer in this State, is an intelligent and earnest officer, fully alive to his duties, and interested in the success of the restoration policy. He is in entire harmony with Governor Patton, and matters will work smoothly and well.

In Georgia, the Governor has not yet pronounced himself, and matters are more doubtful. Neither is there in that State an officer in command who is likely to be so efficient, or so much interested in the success of the reconstruction measures, and my immediate presence is urged by many of the most prominent men at the head of the movement for the restoration of the State government. With your assent, therefore, I will move my headquarters to Atlanta on or before the 10th instant.



I have no staff officers, and need them extremely. I ought to have an efficient adjutant general. The official correspondence is already very great, and I cannot possibly attend to it. There are very few officers with the troops—not more, indeed, than are absolutely necessary with their companies. These are, besides, young men entirely unacquainted with such duties. I trust you will send me staff officers as soon as possible.

Will you please telegraph me authority for the removal of headquarters to Atlanta?

I am, general, respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General Commanding.*

GENERAL U. S. GRANT,

*General-in-Chief, Washington.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's office, July 8, 1867.



## [General Orders No. 4.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida,)

MONTGOMERY, ALA., April 4, 1867.

I. All post commanders within the limits of this military district are instructed to report, as soon as practicable after their occurrence, any failures of the civil tribunals or officers to render equal justice to the people; and any acts of such tribunals or authorities in contravention of the civil rights bill, or other acts of Congress applicable to the Southern States. Their attention is particularly called to acts of the local or State authorities or tribunals which discriminate against persons on account of race, color, or political opinion; and whilst not interfering with the functions of the civil officers, they are directed to give particular attention to the manner in which such functions are discharged, so far as relates to the matters above specified. The post commanders are admonished, however, to be cautious and careful in their statements, and to send with their reports such evidence of the facts as shall justify action on the part of the general commanding.

II. All reports on these subjects will be addressed to the commander of the district in which the officer so reporting is stationed, and the district commander will forward the reports to these headquarters, with his opinion and recommendation endorsed thereon.

III. It is made equally the duty of the district commander to give his own personal attention to the cases



above referred to, or any which may come under his own observation, and to report thereon without delay.

IV. The attention of all officers serving in this military district is called to paragraph 3 of \*General Orders No. I, from these headquarters. Any violation of that paragraph will be forthwith reported.

By command of Brevet Major General Pope,

J. F. CONYNGHAM,

*First Lieutenant 24th. U. S. Infantry, A. A. A. G.*

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HEADQUARTERS THIRD MILITARY DISTRICT,

MONTGOMERY, ALABAMA, April 7, 1867.

GENERAL: I have the honor to ask what is your understanding of the status of officers of the rebel army paroled at the conclusion of the war? Do these paroles still hold good, or are they set aside by any proclamations of the President?

I ask because I desire to know what action I shall be authorized to take against the rebel officers thus paroled who may actively and openly counsel the people in this district to resist the execution of the late act of Congress providing for reconstruction in the southern States.

Does not that provision of their parole which requires them to go to their homes and obey the laws require them also to refrain from inciting others to neglect or resist the laws of the United States? Is not an attempt on their part to keep up difficulty and prevent the settlement of



the southern question in accordance with the act of Congress in violation of parole?

In Alabama I think there will be no trouble whatever in completing the registration and carrying out the objects of the act of Congress. The Governor of the State and all or nearly all the State officers, as well as a **very large** majority of the prominent men in the State, are in favor of reconstruction under the act, and are actively canvassing the State with what may be safely considered certainty of success.

In Georgia there will be far more difficulty. I am going to the State, at the urgent request of many citizens, in a few days, and as a large part of my time will be necessarily spent there I have telegraphed for authority to move my headquarters to Atlanta, which, being the center of railroad communication, affords very great facilities for easy communication with all parts of the district.

I have just made an order for the registration, which I enclose herewith. To determine the compensation of the registers I would be glad to have from the Census Bureau a table to pay for their employes. The object of graduating the pay of registers by the number of recorded names, is to make sure that the entire freedmen's vote will be brought out. It is for the interest of the registers that no name of a disqualified voter is omitted.

I do not apprehend any difficulty in executing the law as far as it refers to the protection of persons in their rights of person and property, and no disturbance whatever is anticipated. There are, however, in the northern parts of Alabama and Georgia bands of moun-



ted robbers who depredate upon the people, and especially upon the negroes. These bands are beyond the control of the civil authorities, and infantry forces are useless against them. For the same reason that General Thomas finds it necessary to keep four companies of cavalry in Tennessee, I find some companies of cavalry necessary in northern Georgia and Alabama, and I trust a few companies will be sent me as soon as practicable.

In Florida everything is quiet. She will follow the lead of Georgia and Alabama.

No staff officers have yet reported to me except General Dunn. Even if I could take officers enough from their companies for staff duty, (which I cannot do without leaving the companies without officers,) they are wholly unacquainted with staff duties, and are unfit, besides, for any such position. I presume that an adjutant general and quartermaster have at least been sent me. For these duties I need the best and most discreet officers.

I am, general, respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General Commanding.*

GENERAL U. S. GRANT,

*General-in-Chief U. S. Army, Washington.*

Official copy:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's office, July 8, 1867.



[General Orders No. 5.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida,)

MONTGOMERY, ALA., April 8, 1867.

I. The following extract from the recent acts of Congress in relation to reconstruction in the Southern States is published for the information of all concerned:

(Public No. 6.)

AN ACT supplementary to an act entitled "An Act to provide for the more efficient government of the rebel States," passed March 2, 1867, and to facilitate restoration.

*Be it enacted, &c.,* That before the first day of September, 1867, the commanding general in each district (defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867) shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, residents in each county or parish in the State or States included in this district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation:

"I, -----, do solemnly swear or affirm, in presence of Almighty God, that I am a citizen of the State of -----; that I have resided in said State for ----- months, next preceding this day, and now reside in the county of -----, or parish of -----, in said State, as



the case may be; that I am 21 years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or the United States; that I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer.

. . . . .

SEC. 4. That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by plurality of the votes cast at said election.

II. In order to execute this provision of the act referred to with as little delay as possible, the commanding officers of the district of Alabama, Georgia, and Florida will proceed immediately to divide those States



into convenient districts for registration, aided by such information on the subject as they have or can obtain. It is suggested that the election districts in each State which in 1860 sent a member to the most numerous branch of the State Legislature will be found a convenient division for registration. It is desirable that in all cases the registers shall be civilians, where it is possible to obtain such as come within the provisions of the act, and are otherwise suitable persons; and that military officers shall not be used for this purpose, except in cases of actual necessity. The compensation for registers will be fixed hereafter, but the general rule will be observed of graduating the compensation by the number of recorded voters. To each list of voters shall be appended the oath of the register or registers that the names have been faithfully recorded, and represent actual legal voters, and that the same man does not appear under different names. The registers are specifically instructed to see that all information concerning their political rights is given to all persons entitled to vote under the act of Congress; and they are made responsible that every such legal voter has the opportunity to record his name.

III. As speedily as possible the names of persons chosen for registers shall be communicated to these headquarters for the approval of the commanding general.

IV. The district commander in each of the States comprised in this military district is authorized to appoint one or more general supervisors of registration, whose business it shall be to visit the various points where registration is being carried on; to inspect the



operations of the registers; and to assure themselves that every man entitled to vote has the necessary information concerning his political rights, and the opportunity to record his name.

V. A general inspector, either an officer of the army or a civilian, will be appointed at these headquarters to see that the provisions of this order are fully and carefully executed.

VI. District commanders may, at their discretion, appoint civil officers of the United States as registers, with such additional compensation as may seem reasonable and sufficient.

VII. The commanding officer of each district will give public notice when and where the registers will commence the registration, which notice will be kept public by the registers in each district during the whole time occupied in registration.

VIII. Interference by violence, or threats of violence, or other oppressive means to prevent the registration of any voter, is positively prohibited, and any person guilty of such interference shall be arrested and tried by the military authorities.

By command of Brevet Major General Pope.

J. F. CONYNGHAM,

*First Lieutenant 24th. U. S. Infantry, A. A. A. G.*

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[General Orders No. 51.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

*Washington, April 10, 1867.*

ORDERED, That the appropriation of five hundred thousand dollars by the joint resolution of Congress ap-



proved March 30, 1867, be disbursed under the direction of the Paymaster General, and that he assign an officer of his bureau, in each of the five military districts, to make such disbursements, under regulations to be prescribed by the Paymaster General and approved by the Secretary of War.

The following is the joint resolution of Congress above referred to:

[Public Resolution—No. 32.]

JOINT RESOLUTION providing for the expenses of carrying into full effect an act entitled “An act to provide for the more efficient government of the rebel States.”

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That sufficient money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of carrying into full effect in all parts an act entitled “An act to provide for the more efficient government of the rebel States,” passed March 2, 1867, with all its supplementary acts: Provided, That the amount shall not exceed five hundred thousand dollars.*

Approved March 30, 1867.

By order of the Secretary of War:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*



## ADDRESS OF GOVERNOR JENKINS.

TO THE PEOPLE OF GEORGIA:

During the late civil war you were distinctly informed by Legislative resolves and by executive proclamations emanating from the United States government, that it was waged against you not vindictively, nor for the purpose of conquest, but solely for the maintenance of the Union. The theory announced was that by her ordinance of secession Georgia had not placed herself, nor could in any way place herself, without its pale, but that, at whatever cost of blood and treasure, the resistance of her people to the authority of the United States must be suppressed.

With these ideas in your minds, (actuated by what considerations it matters not,) in April, 1865, you, in good faith, ceased that resistance, laid down your arms, and made full submission. From these premises it is undeniable that you had a right to expect, as it is notoriously true you did expect, speedy restoration to the position in the Union from which you had essayed to withdraw—your status unchanged, save in the abolition of slavery, to which, with amazing equanimity, you assented by word and by act.

To this work of restoration the President of the United States, in the recess of the Congress, faithful to the theory promulgated as above stated, addressed himself, with much of circumstantial detail and elaborate machinery, but in a spirit of unaffected kindness.

His prescribed programme you strictly pursued; all that was antagonistic to the United States government you expunged from your records; all that was required



to put you again in proper relation with that government you did. When next the Congress assembled, your State government (which had been temporarily suspended) was in full operation. Senators and Representatives, regularly elected and duly commissioned, presented themselves in the halls of Congress and were refused admission. Yet the postal, revenue and judicial systems of the federal government were extended over Georgia as over Massachusetts and Ohio. Direct taxes assessed against *the several States* of the Union, by acts previously passed, were collected from you. An amendment of the federal Constitution, proposed by the Congress in the prescribed forms was presented to your Legislature for ratification or rejection, as to those of New York and Pennsylvania. This you ratified, and your ratification was accepted. Your State government moved uninterruptedly in its proper sphere, its legislative and executive departments holding communication with departments of the federal government, as in the palmy, peaceful days of the republic. Thus one long session of Congress transpired, causing no new regret, save your continued exclusion from the natural councils. This you bore, if not uncomplainingly, at least submissively, patiently awaiting the prevalence of councils more liberal, more just. But during the first session of the thirty-ninth Congress another amendment was proposed to the Constitution and presented to your legislature for consideration and ratification or rejection. This was considered in the interval between the first and second sessions of the thirty-ninth Congress, and in terms entirely respectful, but quite distinct, rejected. Other States (now and always participant in federal legislation, whose status as members of the Union has never



been questioned) likewise rejected it, and are unmolested. Against Georgia, and other States similarly situated, the rejection seems to have stimulated the ire of the national legislators. After having treated Georgia as a State, so far as coincided with their convenience or their interest; after having tolerated her government, reconstructed under federal executive auspices during a period of eighteen months, the thirty-ninth Congress, just at its close, enacted a law providing for the reconstruction of your State government in accordance with their will and pleasure, irrespective of your own, and, *ad interim*, for your military government. The fortieth Congress, taking up the role, immediately upon the expiration of its predecessor, has enacted a law supplementary to the former, placing the whole machinery of reconstruction in the hands of the military governor previously provided for. Construing the two acts together, that official is clothed with dictatorial powers over you, and sustained by as many bayonets as may be necessary to the end in view. They prescribe, as indispensable provisions in your contemplated constitution, several articles which the enacting power well knows you disapprove, and some of which, as applicable to themselves, other States now in full fruition of the Union disapprove, and have recently rejected. Lastly, these enactments, for the purposes of this forced reconstruction, extend the elective franchise to a large class of persons on whom you have never bestowed it, and to whom you, as well as other States now represented in Congress, by the rejection of the last proposed constitutional amendment, have refused to extend it.

These acts of Congress have been vetoed by the Pre-



sident, but have been passed over his veto by two-thirds of each branch of the Congress.

I shall not swell this address by a thorough analysis of these acts. They are fearfully familiar to you. But I hesitate not to say to you that they are palpably unconstitutional and grievously oppressive.

Such, fellow-citizens, is your present condition, and the official relation I bear to you demands that I speak to you of it. The all-absorbing question is, What shall Georgia do?

The public discussions seem to recognize only two alternatives: First, prompt acquiescence in the already rejected proposal for amendment to the federal Constitution, and in all the requirements of the two acts of Congress before mentioned, together with the incorporation of them all, by our own acts, into our constitution and laws: secondly, a firm but temperate refusal of such acquiescence and adoption, and a patient, manly endurance of military government, until in the efflux of time and on the subsidence of the passions generated by civil war, better counsels shall prevail at the federal capital—we, meantime, strictly observing law and order, and vigorously addressing ourselves to industrial pursuits.

As between these alternatives I have no hesitation in advising the adoption of the latter, but forbear at this time to assign any reasons for this advice, because, fellow-citizens, I am far from believing that these are the only alternatives. I have strong faith that there remains to us an available remedy. In the federal government there are three departments. Two of them have passed upon these measures, and are in direct antagonism regarding their constitutionality. But in that event



the Constitution gives to the legislative department power to override the executive, and they have so done. There still remains, however, the judicial department—the great conservator of the supremacy of the Constitution—whose decrees, unlike the executive veto, cannot be overridden by the Congress. That department has not yet spoken. Should it be found in accord with the executive, this usurpation will be arrested. Then, although for a time you may be denied representation in Congress, your State government will remain intact, and full restoration will not long be delayed.

Watching at home the progress of these measures, I gave, as was my duty to you, earnest consideration to the question whether or not we had any remedy against them. I reached the conclusion that a case could be made, giving jurisdiction to the Supreme Court, wherein the validity of these acts could be properly tested, and whereby, if found invalid, they could be arrested. Unwilling to trust to my own judgment or that of any southern jurist, so liable to be swayed by the bias of southern interest and southern feeling, immediately upon the passage of the first act I came here for the sole purpose of submitting my views to, and consulting with, jurists able and pure, who could view the whole subject from a different standpoint. I have done so, and, by such men, my proposed course has been approved. Before you read this the cause of Georgia will be in that august tribunal, hitherto true to the Constitution—the bulwark of our liberties. The great question of relief from that quarter will be speedily determined. Need I ask you to be calm and quiet, committing yourselves hastily to no particular course of action? Should we fail, (as fail we may), there will remain nothing that I



can do for you. Your destiny will be in your own hands, and you must choose between the alternatives first presented. In making that choice you have my counsel, perhaps erroneous, but certainly honest.

CHARLES J. JENKINS.

Washington City, D. C., April 10, 1867.

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[General Orders No. 52.]

HEADQUARTERS OF THE ARMY,

ADJUTANT GENERAL'S OFFICE,

WASHINGTON, April 11, 1867.

The headquarters of the third military district is hereby transferred from Montgomery, Alabama, to Atlanta, Georgia.

By command of General Grant:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*



WASHINGTON, April 13, 1867.

GENERAL: In reply to your communication of April 7,\* the General-in-Chief directs me to say that your views upon the obligation of a parole are in strict accordance with his own. Application will be made to the Secretary of the Interior for the information you desire from the Census Bureau.

Staff officers have been ordered to report to you.

I am, General, your obedient servant,

O. E. BABCOCK,

*Brevet Brigadier General and Aide-de-Camp.*

Brevet Major General JOHN POPE, *U. S. Army,*

Commanding Third Military District, Atlanta, Ga.

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's office, July 8, 1867.

#### HEADQUARTERS THIRD MILITARY DISTRICT.

GENERAL: I have the honor to transmit enclosed a copy† of an order which it is my purpose to publish as soon as I have ascertained from Provisional Governor Jenkins whether, at the time he issued his address‡ to the people of this State, he had seen or had knowledge of my Order No. 1.

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\*Page 63. †Page 80. ‡Page 71.



The course of Governor Jenkins is disapproved and deprecated by every man in the State who favors reconstruction. It is doing great injury, by keeping the people disturbed and uncertain what to do, and in arresting the general movement which was going on for active participation in re-establishing the State government. In addition to this, I am mainly concerned in the total neglect of his duties and the embarrassment in the execution of the laws and the maintenance of good order arising from the fact that there is no lieutenant governor, and no one in the State who can act for him.

Already it has been necessary to interfere with the military authority to arrest the execution of a man who was recommended to executive clemency by both judge and jury, but who would inevitably have been hanged because the Provisional Governor had absented himself and was not present to perform his duties.

Provisional Governor Jenkins' course in attempting to make Georgia a party to a suit, without authority of law and without the consent of either legislature or people, is creating great dissatisfaction, and is embarrassing me very much in the performance of my duty. His address to the people of this State, advising them to take no action under the late acts of Congress, and denouncing those acts in a manner to excite ill-feeling, if not actual disturbance in their execution, is a positive violation of my Order No. 1, and if not promptly noticed will render that order null and of no effect, and at once array the whole army of State officials against the execution of those acts.

The ill effects of permitting the whole power of the provisional State government, through all its civil de-



partments and in all its ramifications, to be used to frustrate the acts of Congress and to keep up the disturbed condition of the public mind, cannot be overstated. No reconstruction is possible, and it will be next to impossible to secure faithful administration of the laws, while such influences are allowed to go on unchecked, unless the entire civil government is overthrown and the military substituted. I deem it of the last importance to arrest it now, in the person of Provisional Governor Jenkins. If he is permitted to set authority at defiance, it will be useless to notice such offences committed by the minor officers.

I shall wait until the receipt of this letter and order is acknowledged, which I request may be done by telegraph, when, if I am not restrained, I will then publish and execute the order.

I am, General, very respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General Commanding.*

U. S. GRANT,

*General-in-Chief U. S. Army.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

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[Indorsement on the foregoing.]

Respectfully forwarded to the Secretary of War for his information. The telegraphic dispatch herein en-



closed shows that Governor Jenkins, of Georgia, has given such pledges to the commander of the third military district as to induce him to withhold, for the present, his order suspending the Governor. The conduct of Governor Jenkins demonstrates, however, how possible it is for discontented civil officers of the reconstructed States to defeat the laws of Congress, if the power does not exist with the district commanders to suspend their functions, for cause, in some way. It seems clear to me that the power is given in the bill "for the more efficient government of the rebel States," to use or not, at the pleasure of district commanders, the *provisional* machinery set up without the authority of Congress, in the States to which the reconstruction act applies. There being doubt, however, on this point, I would respectfully ask an early opinion on the subject. If the power of removal does not exist with district commanders, then it will become necessary for them to take refuge under that section of the bill which authorizes military commissions.

U. S. GRANT, *General*.

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[Enclosure No. 1.]

[Special Order No. —.]

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GEORGIA, April 17, 1867.

Charles J. Jenkins, Provisional Governor of the State of Georgia, having absented himself and still remaining absent from the said State, to the neglect of his official duties and to the embarrassment of both the civil and military administration—being engaged in the city of



Washington in his *official* capacity, but without the authority of the Legislature or people of the State, in instituting proceedings before the Supreme Court of the United States for the purpose of hindering, delaying and defeating the execution of the late acts of Congress "to provide for the more efficient government of the rebel States," and the act supplemental thereto; and the said Provisional Governor having, in his *official* capacity, published an address "to the people of Georgia," bearing date Washington, April 10, 1867, denouncing said acts of Congress as palpably unconstitutional and grievously oppressive, and containing other language calculated to create discontent in the minds of the people and to excite animosity against the United States government; and in the same address advising the people of Georgia, whatever may be the decision of the Supreme Court of the United States, to refuse acquiescence in and adoption of the measures prescribed in said Acts whereby the State of Georgia may be restored to her proper relations to the government, which address is in direct violation of General Orders No. 1, issued from these headquarters April 1, 1867, wherein, after providing for the retention in office of the civil officers in the States in this military district, is the following paragraph: "III. It is to be clearly understood, however, that the civil officers thus retained in office shall confine themselves strictly to the performance of their official duties; and while holding these offices they shall not use any influence whatever to deter or dissuade the people from taking an active part in reconstructing their State governments under the act of Congress to provide for a more efficient government of the rebel States and the act supplemental thereto;" and it being manifestly im-



practicable for the general commanding to perform his duties under the laws through the agency of the civil government and tribunals now in existence in this State while the Provisional Governor thereof proclaims his opposition to the execution of said laws and denounces the same, and violates the orders and defies the authority of the commanding general, who is held responsible that the authority and laws of the United States shall be duly respected in his district.

Therefore, the said Charles J. Jenkins is hereby deposed from the office of Provisional Governor of the State of Georgia, and the Hon. —————, of said State, is appointed Provisional Governor thereof, with power to exercise all the authority and perform all the duties of Governor of the State of Georgia until further orders.

JNO. POPE,

Major General Commanding.

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

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OFFICE U. S. MILITARY TELEGRAPH,

WAR DEPARTMENT,

WASHINGTON, D. C., April 20, 1867.

[From Atlanta, Georgia—10.45 a. m.]

The explanation\* made by Governor Jenkins and his assurances for the future are satisfactory, and render

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\*Page 88.



unnecessary any further consideration of the order I sent you by mail.

JOHN POPE,

*Brevet Major General U. S. Army.*

Official:

GEO. K. LEET,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at Adjutant General's Office, July 8, 1867.

WAR DEPARTMENT,

ADJUTANT GENERAL'S OFFICE,

WASHINGTON, D. C., July 6, 1867.

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

WASHINGTON, D. C., April 21, 1867.

My Dear General: Having read Governor Jenkins's address\* to the citizens of Georgia, I was on the eve of writing you a letter advising his suspension and trial before a military commission, when your dispatch announcing that the Governor had given such assurances as to render your order, in his case, unnecessary, was received. I am now in receipt of the order itself, and your accompanying letter, and have just prepared the enclosed indorsement to go with it. My views are that

\*Page 71.



district commanders are responsible for the faithful execution of the reconstruction act of Congress, and that in civil matters I cannot give them an order. I can give them my views, however, for what they are worth.

. . . . .

I presume the Attorney General will give a written opinion on the subject of the power of district commanders to remove civil officers and appoint their successors. When he does I will forward it to all the district commanders. It is very plain that the power of district commanders to try offenders by military commissions exists. I would advise that commissions be resorted to, rather than arbitrary removals, until an opinion is had from the Attorney General, or it is found that he does not intend to give one.

. . . . .

Yours truly,

U. S. GRANT, *General.*

MAJOR GENERAL J. POPE,

*Commanding Third District.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*



## [General Orders No. 10.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama and Florida.)

ATLANTA, GA., April 23, 1867.

The following paragraph from General Orders No. 1,\* from these headquarters, is republished for the information of all concerned:

PARAGRAPH III. "It is clearly to be understood, however, that the civil officers thus retained in office shall confine themselves strictly to the performance of their official duties, and whilst holding their offices they shall not use any influence whatever to deter or dissuade the people from taking an active part in reconstructing their State government under the act of Congress to provide for the more efficient government of the rebel States, and the act supplementary thereto."

The words "shall not use any influence whatever" shall be interpreted in their widest sense, and held to mean advice, verbal or written, given to individuals, committees, or the public.

All officers in the military district are directed, and citizens are requested, to give immediate information of any infraction of this order, and to prevent misunderstandings on the subject, it is distinctly announced that any civil official (State or municipal) within this district who violates the above order will be deposed from his

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\*Page 57.



office and held accountable in such other manner as the nature of the case demands.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d U. S. Infantry, A. A. A. G.*

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HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GA., April 24, 1867.

GENERAL: I have the honor to transmit enclosed\* copies of a correspondence with Provisional Governor Charles J. Jenkins, of Georgia. I have concluded, in view of a lengthened conversation with Governor Jenkins, to take no further action in his case for the present.

I think it judicious to retain in office the present civil officers in Georgia, most of whom are still rebels, provided they can be restrained from using any influence to prevent the people from complying with the acts of Congress, and so long as they administer the laws with impartiality and justice. By this arrangement they will be prevented from doing the injury to the cause of reconstruction that they might do if allowed, in an unofficial capacity, to take an active part in the political discussions which will arise in the progress of registration and election. As soon as I find that they are not thus restrained, I will remove them from office, and, if necessary, bring them to trial. I shall, in a few days, publish an order prohibiting the newspapers or speakers, in their discussions about the policy of reconstruction under

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\*Pages 87-94.



the late acts of Congress, from abusing or denouncing the government or any of its departments, or using personal epithets or misrepresentation personally of any officer of the United States government for any acts done in performance of his duty; in fact, from any abuse whatever that may tend to weaken the authority or bring into contempt or excite any feeling of ill-will toward any such officer.

I am, General, respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General Commanding.*

U. S. GRANT,

*General-in-Chief, Washington, D. C.*

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[Enclosure No. 1.]\*

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GEORGIA, April 17, 1867.

SIR: I have the honor to transmit, enclosed, a copy of my general order assuming command of this military district. Copies were sent to you at the time, addressed to Milledgeville. Paragraph III of that order reads as follows:

“III. It is to be clearly understood, however, that the civil officers thus retained in office shall confine themselves strictly to the performance of their official duties, and whilst holding their offices they shall not use any influence whatever to deter or dissuade the people from



taking an active part in reconstructing their State government, under the act of Congress to provide for the more efficient government of the rebel States and the act supplementary thereto."

I have the honor to request that you will inform me, at as early a day as possible, whether, when you issued your address to the people of Georgia, dated Washington, D. C., April 10, 1867, you had seen or had knowledge of the enclosed order.

I am very respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General Commanding.*

CHARLES J. JENKINS,

*Provisional Governor, Milledgeville, Georgia.*

A duplicate of this letter has been addressed to you at Washington City.

A true copy:

G. K. SANDERSON,

*Capt. 33d U. S. Infantry, Act'g Ass't Adj't Gen'l.*

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[Enclosure No. 2.]\*

NATIONAL HOTEL,

ATLANTA, GEORGIA, April 20, 1867.

SIR: On yesterday evening a copy of a communication from you, addressed to me at Milledgeville on the 17th instant, was handed to me in this hotel. With that communication was transmitted a copy of your General



Order No. 1, issued from Montgomery, Alabama; and my attention being called to paragraph 3 of that order, you inquire whether, when I issued my address to the people of Georgia dated Washington, D. C., April 10, 1867, I had seen or had knowledge of your order above mentioned. I answer that, at that time, I had neither seen nor had knowledge of it. I supposed I was exercising such freedom in the public expression of opinion relative to public matters as seems still to be accorded to the citizens of this republic, not imagining that it was abridged by the accident of the speaker or writer holding office.

So much for the past, General, and I will only add that in the future I shall do and say what I may believe is required of me by the duty to which my oath of office binds me, and this, I trust, will not involve either conflict or controversy between us in the execution of our respective trusts, as I think it need not. Everything of this character I certainly desire to avoid.

I am, sir, very respectfully, your obedient servant,

CHARLES J. JENKINS,

*Governor of Georgia.*

BREVET MAJOR GENERAL JOHN POPE,

*Commanding, Etc.*

A true copy:

G. K. SANDERSON,

*Capt. Thirty-third U. S. Infantry, A. A. A. G.*



[Enclosure No. 3.]\*

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GEORGIA, April 22, 1867.

GOVERNOR: I have the honor to acknowledge the receipt of your letter of the 20th instant, in answer to mine of the 17th. It gives me pleasure to say that your explanation is satisfactory so far as the past is concerned, and I cordially concur with you in the hope that our relations in the future may be harmonious and agreeable.

I would content myself with this answer to your letter but for the following remark which it contains. You say: "I supposed I was using such freedom in the public expression of opinion relative to public matters as seems still to be accorded to the citizens of this republic, not imagining that it was abridged by the accident of the speaker or writer holding office." This expression seems to indicate that you think that in some manner, either personally or officially, you have been wronged by that paragraph of my order which has occasioned this correspondence, and that I am seeking to abridge the liberty of speech in this State in an unnecessary and oppressive manner. I trust that I may be able to disabuse your mind of this idea. It is scarcely necessary to tell you that the late acts of Congress, which I am sent here to execute, recognize the existing State government of Georgia as merely provisional, and that the object in recognizing it at all was only that the ordinary course of business in the civil tribunals and the administration of the laws of the State by the customary agencies might not be interrupted further than was necessary for the strict execution of the laws of the United States. It is



not doubted that Congress might have legislated the present State government of Georgia out of existence as easily as they have recognized it as provisional, and it is as little to be doubted that Congress would have done so could it have been foreseen that the entire machinery of the provisional State government would be used to defeat the very law by whose sufferance alone it has any existence at all. It is very clear that Congress did not intend to recognize or permit to exist by these reconstruction acts a powerful organization to be used against their execution, nor can such use be made of the State government of Georgia without greatly obstructing, if not, indeed, entirely frustrating, the performance of the duty required of me by these acts. The existing State government was permitted to stand, for the convenience of the people of Georgia, in the ordinary administration of the local civil laws, and to that end it should be carefully confined.

It was in this view that paragraph 3 of my order assuming command was considered, and it is not easy to see how it can be regarded as oppressive or unjust.

Holding your office by permission of the United States government, you are debarred, as I am, from expressing opinions or using influences to defeat the execution of the laws of the United States, or to excite ill feeling and opposition to the general government, which is executing these acts of Congress. With your personal opinions, or those of any citizen of Georgia, or their expression within the limits of the law, I have nothing to do; but the distinction between personal opinion, openly expressed in an official capacity, and official opinion, is too nice for the common understanding.



The influence of your opinions, openly avowed, must of necessity be very great with the civil officers of the State in all its departments, when the tenure of office is largely dependent upon your pleasure. Your opinions as a private citizen without official station and the same opinions while Governor of Georgia have a very different significance, and produce a very different effect.

It only requires that the civil machinery of Georgia be not perverted so as to frustrate the execution of the laws of the United States, and for that reason I exact from the civil officers that while they retain their offices they confine themselves strictly to the performance of their official duties, and do not use their influence to prevent the people of the State from submitting to and carrying out the laws of the United States.

In your address to the people of Georgia, which occasioned this correspondence, you denounce the acts of Congress, which I am sent here to execute, as "palpably unconstitutional" and "grievously oppressive," and advise the people, whatever may be the decision of the Supreme Court of the United States, to take no action under those laws. While you counsel them not to resist by violence, you at the same time, by open denunciation of the law, invite the very action which you seem to deprecate.

It is manifestly impossible for me to perform the duties required of me by the Acts of Congress while the Provisional Governor of the State is openly denouncing them, and giving advice to the public in his official capacity, the result of which will be to excite discontent and to array the whole army of office-holders in the State in opposition to their execution, unless, indeed, the whole



civil government of the State is overthrown and the military substituted. I think such a change would be as distasteful to the people of Georgia as it would be to me; and yet, if the civil officers of the State follow the example which your excellency has set them, there will be no escape from such a result.

The third paragraph of my order imposes no restrictions on you to which I am not myself subjected. You hold your office by permission of the United States government. I hold mine, as do thousands of others, both civil and military, by substantially the same tenure. Custom, old enough to be law itself, restricts us in conversation and action precisely as paragraph 3 of my order restricts you. There is a very simple mode of freeing ourselves from such restrictions when they become too oppressive.

In conclusion, Governor, it seems necessary for me to say, in general reply to the latter portion of your letter, that the paragraph of my order to which you object was very carefully considered; that it means precisely what it says, and that to the full extent of my power it will be strictly enforced.

My great respect for your personal character has made it painful to me to write you this letter; but as a fair and full understanding between us is absolutely essential to anything like harmonious relations, I have thought it necessary, even at the risk of giving offense, to acquaint you fully with my understanding of my duty and of the status of the civil officers of the provisional State governments under the late acts of Congress.

I again assure you that it shall be my study, as it will be my pleasure, to preserve unimpaired friendly



and harmonious relations with you, and I trust that our views on the subject of this correspondence may be made to harmonize sufficiently to secure this result.

I am, very respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General Commanding.*

PROVISIONAL GOVERNOR CHARLES J. JENKINS,

Milledgeville, Georgia.

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Transmitted by General Grant, and received at the Adjutant General's office, July 8, 1867.

[Special Orders No. 14—Extract.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., May 3, 1867.

. . . . .  
III. Colonel E. Hurlbert is hereby appointed superintendent of registration for the State of Georgia.

He will proceed to Macon, Georgia, and report to Colonel C. C. Sibley, commanding district of Georgia, and will act in conjunction with that officer.

. . . . .  
By command of Brevet Major General John Pope.

G. K. SANDERSON,

*Captain 33d U. S. Infantry, and A. A. A. G.*



HEADQUARTERS ARMY OF THE UNITED STATES,

WASHINGTON, D. C., May 11, 1867.

GENERAL: The estimates for funds to carry out the act\* of Congress "for the more efficient government of the rebel States," being in excess of the amount† appropriated by Congress, district commanders are informed that the Paymaster General will inform them of the amount each can receive from the present appropriation. Any expense incurred beyond the present appropriation cannot be paid until Congress supplies the means.

By command of General Grant:

GEO. K. LEET,

*Assistant Adjutant General.*

BREVET MAJOR GENERAL JOHN POPE,

*Commanding Third Military District.*

Official Copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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[General Orders No. 20.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., May 21, 1867.

In accordance with an act‡ of Congress, supplementary to an act to provide a more efficient government for

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\*Page 134. †Page 70. ‡Page 162.



the rebel States, etc., dated March 2, 1867, the following arrangements are herein made for the registration of voters in the States of Georgia and Alabama:

I. The States of Georgia and Alabama are divided into registration districts, numbered and bounded as hereinafter described.

II. A board of registration is herein appointed for each district, as above mentioned, to consist of two white registers and one colored register. In the State of Georgia, where only the two white registers are designated in this order, it is directed that these white registers in each district immediately select, and cause to be duly qualified, a competent colored man to complete the board of registration, and report his name and postoffice address, without delay, to Colonel C. C. Sibley, commanding district of Georgia, at Macon, Georgia.

III. Each register will be required to take and subscribe the oath prescribed by Congress, by an Act dated July 2, 1862, and an additional oath to discharge faithfully the duty of register under the late acts of Congress. It is not believed that any of the appointees, hereinafter designated will be unable to take the test oath above mentioned. Blank forms of these oaths will be sent to the appointees at once, and on being executed and returned to the superintendents of State registration, their commissions as registers will be issued and forwarded to them immediately.

IV. In order to secure a full registration of voters, it is determined to fix the compensation of registers according to the general rule adopted in taking the census. In the cities the compensation is fixed at fifteen cents for



each recorded voter; in the most sparsely settled counties and districts, at forty cents per voter. The compensation will be graduated between these limits, according to the density of the population and the facilities of communication. Ten cents per mile will be allowed for transportation of registers off the lines of railroads or steamboats, and five cents per mile when travel is done on railroads and steamboats.

V. It is hereby made the duty of all registers, and they will be expected to perform it strictly, to explain to all persons who have not heretofore enjoyed the right of suffrage what are their political rights and privileges, and the necessity of exercising them upon all proper occasions.

VI. The name of each voter shall appear in the list of voters, for the precinct or ward in which he resides; and in cases where voters have been unable to register whilst the boards of registration were in the wards or precincts where such voters live, opportunity will be given to register at the county seats of their respective counties, at a specified time, of which due notice will be given; but the names of all voters thus registered will be placed on the list of voters of their respective precincts.

VII. The boards of registration will give due notice, so that it may reach all persons entitled to register, of the date when they will be in each election precinct, the time they will spend in it, and the place where the registration will be made; and upon the completion of the registration for each county, the board of registration will give notice that they will be present for three successive days at the county seat of such county, to regis-



ter such voters as have failed to register, or been prevented from registering in their respective precincts, and to hear evidence in the cases of voters rejected by the registers in the several precincts who may desire to present testimony in their own behalf.

VIII. Unless otherwise instructed hereafter, boards of registration are directed, in determining whether applicants to register are legally qualified, to hold that the terms "executive and judicial," in the act of Congress March 23, 1867, comprises all persons whomsoever who have held office under the executive and judicial departments of the State or national government; in other words, all officers not legislative, which last are also excluded by the act. Persons who apply to register, but who are considered disqualified by the boards, will be permitted to take the required oath, which, with the objections of the board, will be held for adjudication hereafter.

IX. The lists of registered voters, for each of the precincts, will be exposed in some public place in that precinct for ten consecutive days at some time subsequent to the completion of the registration for each county, and before any election is held, in order that all supposed cases of fraudulent registration may be thoroughly investigated. Due notice will be given and provision made for the time and place for the examination and settlement of such cases.

X. Blank books of oaths required to be taken by voters, and blank registration lists, as also full and detailed instructions for the performance of their duties, will be at once forwarded to the boards of registration appointed in this order, and it is enjoined upon these



boards that they proceed to complete the registration with all energy and despatch.

XI. The detailed instructions to registers will designate the member of each board who shall be its president.

XII. Violence, or threats of violence, or any other oppressive means to prevent any person from registering his name or exercising his political rights, are positively prohibited; and it is distinctly announced that no contract or agreement with laborers, which deprives them of their wages for any longer time than that actually consumed in registering or voting, will be permitted to be enforced against them in this district; and this offence, or any previously mentioned in this paragraph, will cause the immediate arrest of the offender and his trial before a military commission.

XIII. The exercise of the right of every duly authorized voter, under the late acts of Congress, to register and vote, is guaranteed by the military authorities of this district; and all persons whosoever are warned against any attempt to interfere to prevent any man from exercising this right under any pretext whatever, other than objection by the usual legal mode.

XIV. In case of any disturbance or violence at the places of registration, or any molestation of registers, or of applicants to register, the boards of registration will call upon the local civil authorities for a police force, or a posse to arrest the offenders and preserve quiet, or if necessary, upon the nearest military authorities, who are hereby instructed to furnish the necessary aid. Any civil officials who refuse, or who fail to protect the registers, or applicants to register, will be reported to the

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head quarters of the officer commanding in the State, who will arrest such delinquents and send charges against them to these headquarters, that they may be brought before a military commission.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33rd. U. S. Infantry, A. A. A. G.*

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## INSTRUCTIONS TO REGISTERS.

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida,)

ATLANTA, GA., June 1, 1867.

I. GENTLEMEN: In conformity with the fourth section of the supplementary act of Congress, passed March 23, 1867, and by direction of Brevet Major General John Pope, commanding this district, you have been designated as members of a board of registration for the ----- election district, ----- comprising the count ----- of -----, in the state of -----.

II. I herewith transmit you copies of the laws of Congress in pursuance of which you are appointed, and under whose authority you are to act, and of General Order No. 20, from these headquarters, which, with these instructions, will be your guide in the performance of your duties.

III. The necessary books and blanks will also be sent you.



IV. Your official oath having been forwarded to the superintendent of registration for your State, you will enter at once upon the performance of your duties.

V. Should one of you decline, or from permanent illness or other cause become incapacitated, the other two will nevertheless go on with the work, giving immediate notice of the vacancy, and forwarding at the same time the name of a person properly recommended and capable of filling the vacant place.

VI. In this, as in other cases of official correspondence, you will address all letters and reports to the superintendent of registration for your State.

VII. Should there be but one register in readiness to serve, he will report the fact immediately, but will not enter upon his duties until advised so to do by the superintendent.

VIII. Upon examination of the act of Congress you will find that you are to register the names of the male citizens of the United States, twenty-one years of age and upwards, resident in each county within your district, who shall have taken and subscribed the prescribed oath.

IX. You have been designated for this duty in the fullest confidence that you will perform it faithfully.

X. It is particularly enjoined upon you to see that all persons entitled to register fully know and understand all their rights and privileges, and you will take especial care to explain these rights and privileges, and the nature and importance of the right of suffrage to those who have not heretofore enjoyed it.

XI. You will as a preliminary step, cause the fact



of your appointment to be known throughout your district by all means within your reach, and then proceed to carry out in all its details the directions given in sec. VIII, General Order No. 20, from these headquarters.

XII. The "due notice" referred to may include hand-bills, letters, notices posted up in public places, such as election polls, post offices, cross-roads, taverns, stores, &c., &c.

XIII. You will visit each and every election precinct in each and every county of your district, spending in each the number of days necessary to complete the registration, taking care that full and sufficient notice be given in advance in order to secure the attention and attendance of every person entitled to register.

XIV. In proceeding to register, you will read distinctly to the person or persons to be registered, the oath prescribed by law and printed in the books of registration.

XV. You will cause each one to sign a separate copy in the book, and having duly administered the oath, one of you will immediately fill up and sign the certificate below, so that it will read, "Sworn to and subscribed before me, date, precinct, and county aforesaid," (then follows signature.)

"Register of the ----- registration district."

XVI. That portion of the certificate beginning, "and further, that he was born in -----," and the two lines following, need only be filled up in the case of a foreign born and naturalized citizen, and the blank after the printed words, "and naturalized by," will be filled up by the name of the court and judge before whom his



naturalization papers were taken out. In all such cases registers will be careful to distinguish a certificate of naturalization from a declaration of intention to become a citizen; the latter, or declaration of intention, being of no value in this connection, and conferring no quality of citizenship. And no certificate of naturalization issued under the authority of the so-called Confederate States, or of any pretended State governments under the same, will be considered valid.

XVII. If any person shall apply to register whom you consider as excluded by law, you will permit such persons, if they desire it, to take the prescribed oath, and will attest the same. You will then write across the printed certificates the words "excluded," and note below, in as few words as possible, the character of your objection.

XVIII. A full and accurate list of all persons thus excluded will be made and preserved, and their several applications will be enquired into and adjudicated as specified in section VIII, General Order No. 20.

XIX. In addition to the book of oaths, you will receive registration books sufficient for all the counties in your district; these books will be your official record, and in their use the utmost neatness, care, and accuracy are enjoined. They are to be used in duplicate, that is to say, the entries will be repeated, or made simultaneously in two books, so that you will have two (2) complete and exactly similar lists of registered voters for each and every precinct in your district. You will be careful that these two lists are kept separate, that is to say, one register will keep and care for one list, and another register the other list, so that in case either of the books of voters



is lost or defaced, the other will be available. If more than two (2) sets of books are needed for a county, you will use another set, but you will be careful to close the books when the registration is completed for the county for which those books were opened, and open a new set for the next county in order. The object of this arrangement is, that the registration for each county may be complete and separate.

XX. From the book of oaths you will copy into the books of registration for each county the particulars necessary to fill the several columns, viz: Date, name, book, page, color, residence, and in cases of naturalization, how, when, and where naturalized. Under the head of Remarks you will add anything you may consider necessary to explain or throw light upon the position or qualification of the person registered.

XXI. In the same books you will be careful to keep each precinct separate, and for that purpose the record of resignation for each precinct of its proper county will be separated from the preceding and the following one by one or more blank pages.

XXII. In thus entering the names of voters in each precinct, you will write the surname first, thus: If the voter's name be John Smith, you will enter it Smith, John; if his name be Thomas Hutchings, you will enter it Hutchings, Thomas, and in similar manner for all names.

XXIII. As fast as the registration of each county is completed, the books of registration, as also the book of oaths for that county, will be despatched by express, or other safe and speedy means, to the superintendent of registration for your State.



XXIV. If any doubt arise in the mind of the board concerning any article in these instructions, or concerning any case which may come before it which the registers cannot themselves determine by a vote of the board, application for information will be made to the superintendent, who will immediately refer such cases to these headquarters for a decision.

By command of Brevet Major General John Pope.

JAS. F. MELINE,

*Bvt. Col. and General Inspector of Registration, 3rd.  
Military Dist.*

[General Orders No. 31.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., June 6, 1867.

Post and detachment commanders in this military district are directed to give all aid and assistance in their power to the boards of registration, in receiving and distributing any books or papers relating to registration, or orders, or instructions relating thereto, issued from these headquarters, the headquarters of the districts, or from superintendents of State registration.

By command of Brevet Major General John Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry, A. A. A. G.*



[Telegram.]

[Received at War Department 2 p. m. June 27, 1867,  
from Atlanta, Ga., June 27, 1867.]

GENERAL U. S. GRANT,

*Commanding Armies United States:*

Day before yesterday I received a copy of the opinion of the Attorney General on registration, sent me for my information, through the Assistant Adjutant General, by order of the President. Ten days ago I had made, and published, instructions to registers, which will have to be dropped if the Attorney General's opinion is enforced. The opinion sent by the President's order does not seem to be an order to me on the subject; but, as there may be room for doubt, I ask that I be informed by telegraph whether or not I am ordered by the President to conform my action to the Attorney General's opinion. I stand ready to obey the President's orders on the subject, but I wrote you fully on the subject yesterday, the probable result of enforcing the Attorney General's opinion in this district; enclosing also copies of my orders and instructions about registration.

Please answer by telegram as soon as possible, as it is manifest that there should be no delay in my being informed of the President's purpose.

JOHN POPE,

*Major General Commanding.*

HEADQUARTERS ARMY UNITED STATES,

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*



[Telegram.]

WASHINGTON, June 28, 1867.

MAJOR GENERAL J. POPE, Atlanta, Ga.:

Your despatch of yesterday received. Enforce your own construction of the military bill, until ordered to do otherwise. The opinion of the Attorney General has not been distributed to district commanders in language or manner entitling it to the force of an order; nor can I suppose that the President intended it to have such force.

U. S. GRANT, *General*.

HEADQUARTERS ARMY UNITED STATES,

Official copy:

GEO. K. LEET,

*Assistant Adjutant General*.

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[Special Orders No. 61.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., July 5, 1867.

I. The management of the quarantine of the port of Savannah will be turned over to the proper civil authorities.

The commanding officers of the post of Savannah and of Fort Pulaski will give such assistance to the civil authorities, on their application, as may be necessary to enforce the quarantine laws.



On requisitions approved by the post commander at Savannah, the quartermaster and commissary departments are authorized to issue such tents, bedding, and rations as may be necessary for the healthy portion of passengers and crews of vessels detained. In accordance with instructions from the Secretary of War, separate accounts of such issues will be made.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

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[General Orders No. 41.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., July 19, 1867.

The attention of all boards of registration in this district is called to \*General Orders No. 10, from these headquarters, prohibiting civil officers from using any influence whatever, to deter or dissuade the people from taking an active part in reconstructing their State governments, under the act of Congress of March 2, 1867, and the acts supplementary thereto.

Boards of registration are hereby instructed to inquire into this subject and report at once the names of any civil officers who have been guilty of any infraction of this order, or who may violate it hereafter.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*



*Joint Resolutions to carry into effect the several Acts providing for the more efficient government of the Rebel States.*

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of carrying into effect the above-named acts, there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million dollars.*

SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

B. F. WADE,

*President of the Senate pro tempore.*

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WASHINGTON, D. C., July 19, 1867.

*To the House of Representatives:*

For reasons heretofore stated in my several veto messages to Congress upon the subject of reconstruction, I return without my approval the "Joint Resolution to carry into effect the several acts providing for the more efficient government of the Rebel States," and appropriating for that purpose the sum of \$1,000,000.

ANDREW JOHNSON.



## IN THE HOUSE OF REPRESENTATIVES, U. S.

July 19th, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the resolution entitled "Joint Resolution to carry into effect the several acts providing for the more efficient government of the rebel States," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

RESOLVED, That the joint resolution do pass, two-thirds of the House of Representatives agreeing to pass the same.

EDWD. MCPHERSON,

*Clerk H. R. U. S.*

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IN THE SENATE OF THE UNITED STATES,

July 19, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the resolution entitled "Joint Resolution to carry into effect the several acts providing for the more efficient government of the rebel States," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the resolution:



RESOLVED, That the resolution do pass, two-thirds of the Senate agreeing to pass the same.

J. W. FORNEY, *Secretary*.

Attest:

BY W. J. McDONALD, *Chief Clerk*.

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[General Orders No. 45.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 2, 1867.

No civil court of any of the States within this military district will hereafter entertain any action whatever against officers or soldiers, or any other persons, for acts performed in accordance with orders from the military authorities, or by their sanction; and all such suits now pending, or in which costs have not been collected, will be at once dismissed.

This order will be strictly enforced by post and detachment commanders in this military district, and such officers will make immediate report to these headquarters of any judge or other civil authority who attempts to disobey this order.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*



[General Orders No. 46.]

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 3, 1867.

I. Hereafter copies of all orders from these headquarters relating to civil affairs, or notifying the appointments to civil office in this military district, will be transmitted to post commanders, either direct or through their district commanders; and all post commanders receiving copies of such orders are required to see that they are fully executed, and the appointees installed into office, giving such military assistance as may be necessary for the purpose.

II. Post commanders will be held strictly responsible, within the limits of their jurisdiction, for the prompt and full execution of all orders thus transmitted to them, and of every other order emanating from these headquarters, of which they may not have received copies, but which are brought to their notice from other sources, and will, in every case, make a prompt report on their action and of the execution of such orders, to these headquarters, through their respective district commanders.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*



HEADQUARTERS ARMY OF THE UNITED STATES,

WASHINGTON, D. C., August 3, 1867.

DEAR GENERAL: Your official letter on the subject of reconstruction in the third district, and your private letter accompanying it, are received, and I have read both with care. I think your views are sound, both in the construction which you give to the laws of Congress and the duties of the supporters of good government, to see that, when reconstruction is effected, that no loop-hole is left open to give trouble and embarrassment hereafter. It is certainly the duty of district commanders to study what the framers of the reconstruction laws wanted to express, as much as what they do express, and to execute the law according to that interpretation. This, I believe, they have generally done, and, so far, have the approval of all who approve the congressional plan of reconstruction.

. . . . .

Very truly yours,

U. S. GRANT, *General.*

BREVET MAJOR GENERAL JNO. POPE,

Comd'g Third Military District, Atlanta, Ga.

HEADQUARTERS ARMY UNITED STATES,

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*



## [General Orders No. 48.]

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 6, 1867.

In pursuance of section 4 of the act\* of Congress passed July 19, 1867, district and post commanders will report to these headquarters, for the action of the commanding general, the cases of all the State, county, and municipal officers who are disloyal to the government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of the acts of Congress.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

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## [General Orders No. 49.]

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 12, 1867.

I. The commanding general has become satisfied that the civil officers in this military district are only observing his order prohibiting them from "using any influence to deter or dissuade the people from reconstructing their State governments under the recent acts of Congress" so far as their own personal conversation

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\*Page 176.



is concerned, and are at the same time by their official patronage supporting and encouraging newspapers which are, almost without exception, opposing reconstruction and obstructing and embarrassing civil officers appointed by the military authorities in this district in the performance of their duties by denunciation and threats of future penalties for their official acts.

II. Such use of the patronage of their offices is simply an evasion (perhaps unintentional) of the provisions of the general order above referred to, and is in fact an employment of the machinery of the provisional State governments to defeat the execution of the reconstruction acts.

III. It is therefore ordered that all advertisements or other official publications heretofore or to be hereafter provided for by State or municipal laws or ordinances be given by the proper civil officers whose duty it is to cause such publications to be made, to such newspapers, and such only, as have not opposed and do not oppose reconstruction under the acts of Congress, nor attempt to obstruct in any manner the civil officers appointed by the military authorities in this district in the discharge of their duty by threats of violence or prosecution or other penalty as soon as the military protection is withdrawn, for acts performed in their official capacity.

IV. All officers in this military district, and all officers and agents of the Freedmen's Bureau, and all boards of registration or other persons in the employment of the United States under its military jurisdiction, are directed to give prompt attention to the enforcement of this order, and to make immediate report to these



headquarters of any civil officer who violates its provisions.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

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[Telegram.]

[Received at War Department 4 p. m. Aug. 14, 1867,  
from Atlanta, Ga., Aug. 14, 1867.]

GENERAL U. S. GRANT, *Commanding Armies*:

Shall I publish the order requiring jurors in this district to take the test oath as by your instructions, or on my own authority? I had just made an order, but, fortunately, not distributed it, to require jurors to be drawn from the list of registered voters.

JOHN POPE, *Major General*.

HEADQUARTERS ARMY UNITED STATES,

Official copy:

GEO. K. LEET,

*Assistant Adjutant General*.



[Telegram.]

WASHINGTON, August 14, 1867.

MAJOR GENERAL J. POPE, Atlanta, Ga.:

Publish the jury order which you had prepared. The only object in distributing General Griffin's order was to secure a jury system which will give protection to all classes.

U. S. GRANT, *General.*

HEADQUARTERS ARMY UNITED STATES,

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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[General Orders No. 50.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 15, 1867.

In case of the removal of any duly registered voter from the precinct in which he is registered to any other part of the State, a certificate of his registration, signed by one of the members of the board which registered his name, will on application, be given to him.

In case of his not obtaining or of losing such certificate, an affidavit certified by any magistrate, or by any military officer of the United States in this district, that he is the man he represents himself to be, and that



he was duly registered, designating precinct and county in which he was registered, will be evidence to the superintendent of registration for the State that he is a duly qualified voter, and there-upon said superintendent shall issue to him a certificate to that effect.

Either of the above described certificates will give such registered voter the right to vote at any election precinct in the State, and will be duly recognized by any manager or judge of election to whom it is presented.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

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[General Orders No. 53.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 19, 1867.

Grand and petit jurors and all other jurors for the trial of cases, civil or criminal, or for the administration of law in the States of Georgia, Alabama, and Florida, will hereafter be taken exclusively from the lists of voters, without discrimination, registered by boards of registration, under the acts of Congress of the United States known as the reconstruction acts.

Sheriffs, and all other officers whose duty it is to summon and empanel Jurors, will require each juror to make oath that he is duly registered as above indicated,



specifying precinct and county in which he was registered, which affidavit will be placed on the official files of the court.

By command of Brevet Major General Pope,

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

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[General Orders No. 55.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., August 23, 1867.

General Orders\* No. 53 is not designed to require that the present juries already drawn in this district shall be set aside and new juries drawn and summoned, but, only in the case of juries already drawn and summoned, that the jurors shall be required to take the oath specified in General Orders No. 53, and that jurors who cannot take that oath shall be replaced by such as can.

Juries shall be hereafter listed, drawn, and summoned as required in that order.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

Official:

G. K. SANDERSON,

*Captain 33d. U. S. Infantry and A. A. A. G.*

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\*Page 118.



[General Orders No. 69.]

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Georgia, Alabama, and Florida.)

ATLANTA, GA., Sept. 19, 1867.

I. Whereas, by the terms of an\* act of Congress entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto, it is made the duty of the commanding general of this military district to cause a registration to be made of the male citizens of the State of Georgia, twenty-one years of age and upwards, and by the terms of said acts qualified to vote, and after such registration is complete to order an election to be held, at which the registered voters of said State shall vote for or against a convention for the purpose of establishing a constitution and civil government for said State, loyal to the Union, and for delegates to said Convention; and to give at least thirty days notice of the time and place at which the election shall be held; and the said registration having been made in the State of Georgia, it is ordered—

II. That an election be held in the State of Georgia, commencing on Tuesday, the 29th day of October, 1867, and continuing three days, at which the registered voters of said State may vote "for a convention," or "against a convention," and for delegates to constitute the convention, in case a majority of the votes given on that question shall be for a convention, and in case a majority of all such registered voters shall have voted on the question of holding such convention.

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\*Pages 134; 162; 176.



III. It shall be the duty of the boards of registration in Georgia, commencing 14 days prior to the election herein ordered, and giving reasonable public notice of the time and place thereof, to revise for a period of five days the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote, the boards of registration shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act, who have not been already registered.

IV. In deciding who are to be stricken from or added to the registration lists, the boards will be guided by the law and the acts supplementary thereto; and their attention is especially drawn to the supplementary act dated July 19, 1867.

V. The said election shall be held in each county at the county seat, under the superintendence of the boards of registration as provided by law, and in accordance with instructions to be hereafter issued to said boards.

VI. All judges and clerks employed in conducting said election shall, before commencing to hold the same, be sworn to the faithful performance of their duties, and shall also take and subscribe to the oath of office prescribed by law for officers of the United States.

VII. The polls shall be opened at each voting place during the days specified, at 7 o'clock in the forenoon, and closed at 6 o'clock in the afternoon, and shall be kept open between those hours without intermission or adjournment.



VIII. The commanding officer of the district of Georgia will issue, through the superintendent of registration for that State, such detailed instructions as may be necessary to the conduct of said election in conformity with the acts of Congress, and as far as may be with the laws of Georgia.

IX. The returns required by law to be made of the results of said election to the commanding general of this military district will be rendered by the persons appointed to superintend the same, through the commanding officer of the district of Georgia, and in accordance with the detailed instructions already referred to.

X. No registrar, who is a candidate for election as a delegate to the convention, shall serve as a judge of the election in any county which he seeks to represent.

XI. All public bar-rooms, saloons, and other places for the sale of liquors at retail at the several county seats, shall be closed from 6 o'clock on the evening of the 28th day of October until 6 o'clock on the morning of the first day of November, 1867. And the sheriff of the county shall be held responsible for the strict enforcement of this prohibition, by the arrest of all parties who may transgress the same.

XII. The sheriff of each county is further required to be present at the place of voting during the whole time that the polls are kept open, and until the election is completed, and is made responsible that no interference with the judges of election or other interruption of good order shall occur. And any sheriff or other civil officer failing to perform with energy and good faith the duty required of him by this order, will upon report made by the



judges of election, be arrested and dealt with by military authority.

XIII. The following extracts from General Orders No. 20, from these headquarters are republished herewith, for the information and guidance of all concerned:

“XII. Violence, or threats of violence, or any other oppressive means to prevent any person from registering his name or exercising his political rights, are positively prohibited; and it is distinctly announced that no contract or agreement with laborers, which deprives them of their wages for any longer time than that actually consumed in registering or voting, will be permitted to be enforced against them in this district; and this offence, or any previously mentioned in this paragraph, will cause the immediate arrest of the offender and his trial before a military commission.

“XIII. The exercise of the right of every duly authorized voter, under the late acts of Congress, to register and vote is guaranteed by the military authorities of this district; and all persons whomsoever are warned against any attempt to interfere to prevent any man from exercising this right under any pretext whatever, other than by objection by the usual legal mode.”

XIV. The State senatorial districts of Georgia, as established by State laws, being found convenient divisions of the State for the purposes of representation in a State convention, are hereby adopted, and the following apportionment of delegates among said districts is made in accordance with the provisions of the second section of the supplementary act dated March 23, 1867:



To the 1st district—counties of Chatham, Bryan and Effingham, eight (8) delegates .

To the 2nd district—counties of Liberty, Tatnall, and McIntosh, two (2) delegates.

To the 3d district—counties of Wayne, Pierce, and Appling, one (1) delegate.

To the 4th district—counties of Glynn, Camden, and Charlton, one (1) delegate.

To the 5th district—counties of Coffee, Ware, and Clinch, one (1) delegate.

To the 6th district—counties of Echols, Lowndes, and Berrien, two (2) delegates.

To the 7th district—counties of Brooks, Thomas, and Colquitt, three (3) delegates.

To the 8th district—counties of Decatur, Mitchell and Miller, three (3) delegates.

To the 9th district—counties of Early, Calhoun, and Baker, three (3) delegates.

To the 10th district—counties of Lee, Dougherty, and Worth, four (4) delegates.

To the 11th district—counties of Clay, Randolph, and Terrell, four (4) delegates.

To the 12th district—counties of Stewart, Webster, and Quitman, three (3) delegates.

To the 13th district—counties of Sumter, Schley, and Macon, five (5) delegates.

To the 14th district—counties of Dooly, Wilcox, and Pulaski, four (4) delegates.



To the 15th district—counties of Montgomery, Telfair, and Irwin, one (1) delegate.

To the 16th district—counties of Laurens, Johnson, and Emanuel, two (2) delegates.

To the 17th district—counties of Bullock, Screven and Burke, five (5) delegates.

To the 18th district—counties of Richmond, Glascock, and Jefferson, seven (7) delegates.

To the 19th district—counties of Taliaferro, Warren, and Greene, five (5) delegates.

To the 20th district—counties of Baldwin, Hancock, and Washington, six (6) delegates.

To the 21st district—counties of Twiggs, Wilkinson, and Jones, four (4) delegates.

To the 22d district—counties of Bibb, Monroe, and Pike, eight (8) delegates.

To the 23d district—counties of Houston, Crawford, and Taylor, five (5) delegates.

To the 24th district—counties of Marion, Chattahoochee, and Muscogee, five (5) delegates.

To the 25th district—counties of Harris, Upson, and Talbot, five (5) delegates.

To the 26th district—counties of Fayette, Spalding, and Butts, three (3) delegates.

To the 27th district—counties of Newton, Walton, and Clarke, five (5) delegates.

To the 28th district—counties of Jasper, Putnam, and Morgan, five (5) delegates.



To the 29th district—counties of Wilkes, Lincoln, and Columbia, five (5) delegates.

To the 30th district—counties of Oglethorpe, Madison, and Elbert, four (4) delegates.

To the 31st district—counties of Hart, Franklin, and Habersham, three (3) delegates.

To the 32d district—counties of White, Lumpkin, and Dawson, two (2) delegates.

To the 33d district—counties of Hall, Banks, and Jackson, three (3) delegates.

To the 34th district—counties of Gwinnett, DeKalb, and Henry, five (5) delegates.

To the 35th district—counties of Clayton, Fulton, and Cobb, seven (7) delegates.

To the 36th district—counties of Coweta, Campbell, and Meriwether, five (5) delegates.

To the 37th district—counties of Troup, Heard, and Carroll, five (5) delegates.

To the 38th district—counties of Haralson, Polk, and Paulding, three (3) delegates.

To the 39th district—counties of Cherokee, Milton, and Forsyth, three (3) delegates.

To the 40th district—counties of Union, Towns, and Rabun, two (2) delegates.

To the 41st district—counties of Fannin, Gilmer, and Pickens, two (2) delegates.

To the 42d district—counties of Bartow, Floyd, and Chattooga, five (5) delegates.



To the 43d district—counties of Murray, Whitfield, and Gordon, three (3) delegates.

To the 44th district—counties of Walker, Dade, and Catoosa, two (2) delegates.

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[Telegram.]

WASHINGTON, September 25, 1867.

MAJOR GENERAL J. POPE, Atlanta, Ga.:

Does Order 69 contemplate that all voting in Georgia shall be done at county seats? It would seem to be advisable to open the polls at as many points as possible, both to insure quiet and full returns.

U. S. GRANT, *General*.

HEADQUARTERS ARMY UNITED STATES,

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*



[Telegram.]

[Received at War Department September 26, 1867,  
from Atlanta, Ga., September 26, 1867.]

GENERAL U. S. GRANT,

*Commanding Armies United States:*

I have to-day mailed a letter to you, giving my reasons for the provisions of the election order in Georgia. There will be time enough a week hence to alter the order, if you think it desirable after reading my letter.

JNO. POPE, *Major General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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[Special Orders No. 196.]

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GA., October 4, 1867.

In cases where the boards of registration in the States of Georgia, Alabama, and Florida find that difficulty of communication with the county seats, or other causes, may prevent a full vote in some counties on the question of a convention and election of delegates thereto, they will designate two or more voting precincts in each of such counties, and will appoint the necessary managers of election for such precincts, being careful to



give due public notice to the people at least seven days previous to the election.

The days for conducting the election at such precincts shall be the same as those designated for the election in those States.

The managers of election appointed under this order will take the same oath and receive the same compensation as other managers of election.

By command of Brevet Major General Pope.

H. CLAY WOOD,  
*Assistant Adjutant General.*

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[Special Orders No. 203.]

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GA., October 12, 1867.

I. Brevet Brigadier General William McK. Dunn, United States army, will proceed immediately to Savannah, Georgia, and assume command of the military forces at that post, with full authority to take any and all such measures as he may deem necessary to preserve the peace and quiet of the city, until any excitement occasioned by the public meeting to assemble there on the 14th instant has subsided. Upon the completion of this duty General Dunn will return to his station in this city.

By command of Brevet Major General Pope.

H. CLAY WOOD,  
*Assistant Adjutant General.*



WASHINGTON, D. C., October, 1867.

Andrew Johnson, President of the United States, refers letter of Hon. Charles J. Jenkins, of Georgia, dated October 18, 1867, relative to apportionment of delegates to counties, instead of senatorial districts, in State of Georgia.

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[Indorsement.]

HEADQUARTERS UNITED STATES ARMY.

October 24, 1867.

Respectfully returned to the President of the United States. It seems to me it would have been better to have apportioned delegates to counties instead of senatorial districts in the State of Georgia, but in view of the nearness of the election in that State (on the 29th instant) I do not see how the matter can be corrected now. I have, however, sent the following dispatch to General Pope:

“MAJOR GENERAL JOHN POPE,

“Atlanta, Georgia:

“Should not delegates to convention in Georgia be chosen by counties instead of by senatorial districts, to comply fully with the law? Could not a change be made in your election order in time for election in that State?”

U. S. GRANT, *General*.

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General*.



[Telegram received at War Department October 25, 1867.]

ATLANTA, GEORGIA, October 25, 1867.

GENERAL U. S. GRANT:

If you will examine the returns of registration sent you for Georgia you will see that the apportionments cannot be made by counties without giving very unequal representation. The counties are small and numerous, and in many cases two (2) or three (3) would have to be united to make voters enough for one (1) delegate. Please try and make the apportionment by counties, and you will see that it is not practicable. I tried it for two (2) days. The districts are precisely as they were established by State laws, and on examination you will find that the apportionment is based precisely in voters, and is in all respects the fairest that could be made on the basis of registered voters. It is too late now to change, and certainly no man in Georgia can complain because I have taken the districts established by State laws. I wrote you fully on the subject day before yesterday. My purpose was to make as little change as possible in local divisions in the State known and recognized by State laws. You will receive my letter tomorrow. I send today a map of Georgia, with number of registered voters for each county written on face of county. Please see if it be possible to make fairer apportionment than we have done.

JOHN POPE,

*Brevet Major General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*



[Telegram received at War Department October 28, 1867—3 p. m.]

ATLANTA, GEORGIA, October 28, 1867.

GENERAL U. S. GRANT:

Since I have read the petition of Governor Jenkins I have written you a full and detailed report of the apportionment in this State. Letter mailed today, and I request that it be considered my official answer.

JOHN POPE,

*Brevet Major General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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[General Orders No. 83.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., October 30, 1867.

It appearing from representations made from many parts of the State of Georgia since the commencement of the election that, on account of the delay occasioned in voting under the registration, there is a probability that a large number of voters will be deprived of the opportunity of casting their votes within the three days designated for that purpose, in order that there may be



ample time for all registered voters to cast **their votes**, the boards of registration are hereby directed to cause the polls to be kept open until 6 o'clock p. m. of Saturday, November 2, 1867. Of this extension of time the boards will give immediate and general notice throughout their respective districts.

JOHN POPE,

*Brevet Major General, Commanding.*

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[General Orders No. 84.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., October 31, 1867.

In consequence of the extension of the time of election in the State of Georgia, in accordance with \*General Orders No. 83, current series, the provisions of †General Orders No. 69, current series, from these headquarters in reference to the duties required of sheriffs, and to the closing of bar rooms and all places for the sale of liquors by retail, are continued until 6 o'clock on the morning of the 3d of November.

By command of Brevet Major General Pope.

G. K. SANDERSON,

*Captain 33d. U. S. Infantry, A. A. A. G.*

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\*Page 132. †Page 120.



*An Act to provide for the more efficient Government  
of the Rebel States.*

PREAMBLE:

Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore,

*Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled,* That said rebel States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

SECTION 2. *And be it further enacted,* That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of Brigadier-General, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SECTION 3. *And be it further enacted,* That it shall be the duty of each officer assigned as aforesaid, to protect all persons in their rights of person and property,



to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals; and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, and all interference under color of State authority under this act, shall be null and void.

SECTION 4. *And be it further enacted*, That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted, and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: Provided, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

SECTION 5. *And be it further enacted*. That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State, twenty-one years old and upward, of whatever race, color, or previous condition, who have been residents in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion or for felony at



common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such Constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such Constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its Legislature elected under said Constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted there from on their taking the oath prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States, shall be eligible to election as a member of the convention to frame a Constitution for any of said rebel States, nor shall any such person vote for members of such convention.

SECTION 6. *And be it further enacted,* That, until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and



in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote, under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third *article* of said Constitutional amendment.

SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

LA FAYETTE S. FOSTER,

*President of the Senate, Pro tempore.*

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WASHINGTON, March 2, 1867.

*To the House of Representatives:*

I have examined the bill "to provide for the more efficient government of the rebel States" with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent, for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

The bill places all the people of the ten States therein named under the absolute domination of military rules; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection



for life or property, and asserts the necessity of enforcing peace and good order within their limits. Is this true as matter of fact?

It is not denied that the States in question have each of them an actual government, with all the powers—Executive, Judicial, and Legislative—which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer and execute the laws which concern their domestic affairs. An existing *de facto* government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme law-making power of an established State illegal is to say that law itself is unlawful.

The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevail in the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. There, as well as elsewhere, offenders sometimes escape for want of vigorous prosecution, and occasionally, perhaps, by the inefficiency of courts or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated, North and South, by the demoralizing influences of civil war and by the rancorous passions which the contest has engendered. But that these people are maintaining local governments for themselves which habitually defeat the object of all government and render their own lives and property insecure is in itself utterly improbable, and the



avermment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the Southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit.

The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any State where certain events shall have happened. These events are first, the selection of delegates to a State convention by an election at which negroes shall be allowed to vote; second, the formation of a State Constitution by the Convention so chosen; third, the insertion into the State Constitution of a provision which will secure the right of voting at all elections to negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the Constitution for ratification to negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State Constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the Legislature elected under the new Constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people



of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose or order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.

The ten States named in the bill are divided into five districts. For each district an officer of the army, not below the rank of a brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals." The power thus given to the commanding officer over



all the people of each district is that of an absolute monarch. His mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of State authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such way as in his discretion may seem proper. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hindrance to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own; and he can make it as bloody as any recorded in history, and he can reserve the privilege of acting upon the impulse of his private passions in each case that arises. He is bound by no rules of evidence; there is, indeed, no provision by which he is authorized or required to take any evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to keep any record or make any report of his proceedings. He may arrest his victims wherever he finds them, without warrant, accusation, or proof of probable cause. If he gives them a trial before he inflicts the punishment, he gives it of his grace and mercy, not because he is commanded so to do.

To a casual reader of the bill it might seem that some kind of trial was secured by it to persons accused of crime, but such is not the case. The officer "may allow local civil tribunals to try offenders," but of course this does not require that he shall do so. If any State or



Federal court presumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission, he can break it up and punish the judges and jurors as being themselves malefactors. He can save his friends from justice, and despoil his enemies contrary to justice.

It is also provided that "he shall have power to organize military commissions or tribunals;" but this power he is not commanded to exercise. It is merely permissive, and is to be used only "when in his judgment it may be necessary for the trial of offenders." Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer, who has authority to organize it as he pleases, prescribe its mode of proceeding, appoint its members from its own subordinates, and revise all its decisions. Instead of mitigating the harshness of his single rule, such a tribunal would be used much more probably to divide the responsibility of making it more cruel and unjust.

Several provisions dictated by the humanity of Congress have been inserted in the bill, apparently to restrain the power of the commanding officer; but it seems to me that they are of no avail for that purpose. The fourth section provides: First, That trials shall not be unnecessarily delayed; but I think I have shown that the power is given to punish without trial; and if so, this provision is practically inoperative. Second, cruel or unusual punishment is not to be inflicted; but who is to decide what is cruel and what is unusual? The words have acquired a legal meaning by long use in the courts. Can it be expected that military officers will understand



or follow a rule expressed in language so purely technical and not pertaining in the least degree to their profession? If not, then each officer may define cruelty according to his own temper, and if it is not usual he will make it usual. Corporal punishment, imprisonment, the gag, the ball and chain, and all the almost insupportable forms of torture invented for military punishment lie within the range of choice. Third, the sentence of a commission is not to be executed without being approved by the commander, if it affects life or liberty, and a sentence of death must be approved by the President. This applies to cases in which there has been a trial and sentence. I take it to be clear, under this bill, that the military commander may condemn to death without even the form of a trial by a military commission, so that the life of the condemned may depend upon the will of two men instead of one.

It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall "punish or cause to be punished." Such a power has not been wielded by any monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons.



It may be answered to this that the officers of the army are too magnanimous, just, and humane to oppress and trample upon a subjugated people. I do not doubt that army officers are as well entitled to this kind of confidence as any other class of men. But the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands. It is almost sure to be more or less abused under any circumstances, and it has always resulted in gross tyranny where the rulers who exercise it are strangers to their subjects and come among them as the representatives of a distant power, and more especially when the power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people roused the sympathies of the entire world. It was tried in Ireland, and, though tempered at first by principles of English law, it gave birth to cruelties so atrocious that they are never recounted without just indignation. The French Convention armed its deputies with this power and sent them to the Southern departments of the Republic. The massacres, murders, and other atrocities which they committed show what the passions of the ablest men in the most civilized society will tempt them to do when wholly unrestrained by law.

The men of our race in every age have struggled to tie up the hands of their governments and keep them within the law, because their own experience of all mankind taught them that rulers could not be relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes



governed it with a mild and paternal sway, but the kindness of an irresponsible deputy never yields what the law does not extort from him. Between such a master and the people subjected to his domination there can be nothing but enmity; he punishes them if they resist his authority, and if they submit to it he hates them for their servility.

I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, certainly not, if we derive our authority from the Constitution and if we are bound by the limitations which it imposes.

This proposition is perfectly clear, that no branch of the Federal government—executive, legislative, or judicial—can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids.

Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced



those States and all their people—the innocent as well as the guilty—to the condition of vassalage and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law. If an insurrection should take place in one of our States against the authority of the State government and end in the overthrow of those who planned it, would that take away the rights of all the people of the counties where it was favored by a part or a majority of the population? Could they for such a reason be wholly outlawed and deprived of their representation in the legislature? I have always contended that the government of the United States was sovereign within its constitutional sphere; that it executed its laws, like the States themselves, by applying its coercive power directly to individuals, and that it could put down insurrection with the same effect as a State and no other. The opposite doctrine is the worst heresy of those who advocated secession, and cannot be agreed to without admitting that heresy to be right.

Invasion, insurrection, rebellion, and domestic violence were anticipated when the government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution; but it was not thought necessary to declare that the States in which they might occur should be expelled from the Union.



Rebellions, which were invariably suppressed, occurred prior to that out of which these questions grow; but the States continued to exist and the Union remained unbroken. In Massachusetts, in Pennsylvania, in Rhode Island, and in New York, at different periods in our history; violent and armed opposition to the United States was carried on; but the relations of those States with the Federal government were not supposed to be interrupted or changed thereby after the rebellious portions of their population were defeated and put down. It is true that in these earlier cases there was no formal expression of a determination to withdraw from the Union, but it is also true that in the Southern States the ordinances of secession were treated by all the friends of the Union as mere nullities and are now acknowledged to be so by the States themselves. If we admit that they had any force or validity or that they did not in fact take the States in which they were passed out of the Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of Federal force to maintain the integrity of the government. .

This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill



proceeds? The title of the bill announces that it is intended "for the more efficient government" of these ten States. It is recited by way of preamble that no legal State governments "nor adequate protection for life or property" exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear; and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States in *ex parte* Milligan.

I will first quote from the opinion of the majority of the court:

"Martial law can not arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration."

We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and becomes the *cause* instead of the *consequence* of the abrogation of civil authority. One more quotation:

"It follows from what has been said on this subject that there are occasions when martial law can be prop-



erly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, *then*, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the army and society, and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course."

I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase:

"We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail."

This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. Again, and, if possible, more emphatically, the Chief Justice, with remarkable clearness and condensation, sums up the whole matter as follows:

"There are under the Constitution three kinds of military jurisdiction—one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the



limits of the United States, or during rebellion within the limits of the States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing rules and articles of war or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding, as far as may be deemed expedient the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress can not be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights."

It will be observed that of the three kinds of military jurisdiction which can be exercised or created under our Constitution, there is but one that can prevail in time of peace, and that is the code of laws enacted by Congress for the government of the national forces. That body of military law has no application to the citizen, nor even to the citizen soldier enrolled in the militia in time of peace. But this bill is not a part of that sort of military law, for that applies only to the soldier and not to the citizen, whilst, contrariwise, the military law provided by this bill applies only to the citizen and not to the soldier. I need not say to the representatives of the American people that their Constitution forbids the



exercise of judicial power in any way but one—that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. I will not enlarge on the inestimable value of the right thus secured to every freeman or speak of the danger to public liberty in all parts of the country which must ensue from a denial of it anywhere or upon any pretense. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege so clearly that nothing more is needed. To what extent a violation of it might be excused in time of war or public danger may admit of discussion, but we are providing now for a time of profound peace, when there is not an armed soldier within our borders except those who are in the service of the government. It is in such a condition of things that an act of Congress is proposed which, if carried out, would deny a trial by the lawful courts and juries to 9,000,000 American citizens and to their posterity for an indefinite period. It seems to be scarcely possible that anyone should seriously believe this consistent with a Constitution which declares in simple, plain, and unambiguous language that all persons shall have the right and that no person shall ever, in any case, be deprived of it. The Constitution also forbids the arrest of the citizen without judicial warrant, founded upon probable cause. This authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that “no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury.” This bill holds every person not a soldier answerable for all crimes and all



charges without any presentment. The Constitution declares that "no person shall be deprived of life, liberty, or property without due process of law." This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that "the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it;" whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is a trial "without unnecessary delay." He has no hope of release from custody, except the hope, such as it is, of release by acquittal before the military commission.

The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestage of republican government in ten States and puts the life, property, liberty, and honor of all the people in each of them under the denomination of a single person clothed with unlimited authority?

The Parliament of England, exercising the omnipotent power which it claimed, was accustomed to pass bills of attainder; that is to say, it would convict men of treason and other crimes by legislative enactment. The person accused had a hearing, sometimes a patient and fair one, but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error and reverse its own action. The



fathers of our country determined that no such thing should occur here. They withheld the power from Congress, and thus forbade its exercise by that body, and they provided in the Constitution that no State should pass any bill of attainder. It is therefore impossible for any person in this country to be constitutionally convicted or punished for any crime by a legislative proceeding of any sort. Nevertheless, here is a bill of attainder against 9,000,000 people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9,000,000 was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves.

The purpose and object of the bill—the general intent which prevades it from beginning to end—is to change the entire structure and character of the State governments and to compel them by force to accept the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it and afterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites



can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the Southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the negroes is an arbitrary violation of this principle.

This bill imposes martial law at once, and its operations will begin so soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor are the people afforded any time for free deliberation. The bill says to them, take martial law first, *then* deliberate. And when they have done all that this measure requires them to do other conditions and contingencies over which they have no control yet remain to be fulfilled before they can be relieved from martial law. Another Congress must first approve the Constitution made in conformity with the will of this Congress and must declare these States entitled to representation in both Houses. The whole question thus remains open and unsettled and must again occupy the attention of Congress; and in the meantime the agitation which now prevails will continue to disturb all portions of the people.

The bill also denies the legality of the governments of ten of the States which participated in the ratification of the amendment to the Federal Constitution



abolishing slavery forever within the jurisdiction of the United States and practically excludes them from the Union. If this assumption of the bill be correct, their concurrence can not be considered as having been legally given, and the important fact is made to appear that the consent of three-fourths of the States—the requisite number—has not been constitutionally obtained to the ratification of that amendment, thus leaving the question of slavery where it stood before the amendment was officially declared to have become a part of the Constitution.

That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible.

In the first place, it is the only system of free government which we can hope to have as a nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach.

It is the best frame of government the world ever saw. No other is, or can be, so well adapted to the genius, habits, or wants of the American people. Combining the strength of a great empire with unspeakable blessings of local self-government, having a central power to defend the general interests, and recognizing the authority of the States as the guardians of industrial rights, it is “the sheet anchor of our safety abroad and



our peace at home." It was ordained "to form a more perfect union, establish justice, insure domestic tranquillity, promote the general welfare, provide for the common defense, and secure the blessings of liberty to ourselves and to our posterity." These great ends have been attained heretofore, and will be again by faithful obedience to it; but they are certain to be lost if we treat with disregard its sacred obligations.

It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of four years' duration. Shall we now acknowledge that we sacrificed a million of lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

Those who advocated the right of secession alleged in their own justification that we had no regard for law and that their rights of property, life and liberty would not be safe under the Constitution as administered by us. If we now verify their assertion, we prove that they were in truth and in fact fighting for their liberty, and instead of branding their leaders with the dishonoring name of traitors against a righteous and legal government we elevate them in history to the rank of self-sacrificing patriots, consecrate them to the admiration of the world, and place them by the side of Washington, Hampden and Sidney. No; let us leave them to the infamy they deserve, punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone.

It is a part of our public history which can never be forgotten that both Houses of Congress, in July, 1861, declared in the form of a solemn resolution that the war



was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the Constitutional rights of the the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South, as well as in the North, as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I can not voluntarily become a party.

The evils which spring from the unsettled state of our government will be acknowledged by all. Commercial intercourse is impeded, capital is in constant peril, public securities fluctuate in value, peace itself is not secure, and the sense of moral and political duty is impaired. To avert these calamities from our country it is imperatively required that we should immediately decide upon some course of administration which can be steadfastly adhered to. I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment,



leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the co-ordinate branches of the government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guaranties of that instrument are those which declare that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two-thirds, expel a member." Thus, as heretofore urged "in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of Legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress." "When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any questions as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effec-



tively exerted in the interests of loyalty to the government and fidelity to the Union." And is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Constitution than by a recourse to measures which in effect destroy the States and threaten the subversion of the general government? All that is necessary to settle this simple but important question without further agitation or delay is a willingness on the part of all to sustain the Constitution and carry its provisions into practical operation. If tomorrow either branch of Congress would declare that upon the presentation of their credentials members constitutionally elected and loyal to the general government would be admitted to seats in Congress, while all others would be excluded and their places remain vacant until the selection by the people of loyal and qualified persons, and if at the same time assurances were given that this policy would be continued until all the States were represented in Congress, it would send a thrill of joy throughout the entire land, as indicating the inauguration of a system which must speedily bring tranquillity to the public mind.

While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present ten States are denied representation, and when the Fortieth Congress assembles on the 4th day of the present month, sixteen States will be without a voice in the House of Represen-



tatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

ANDREW JOHNSON.

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IN THE HOUSE OF REPRESENTATIVES,

March 2, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An Act to provide for the more efficient government of the rebel States," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

RESOLVED, That the said bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:

EDWD. MCPHERSON,

*Clerk of H. R. U. S.*

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IN SENATE OF THE UNITED STATES,

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to provide for the more efficient government of the rebel States," returned to the House of Representatives by the



President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

RESOLVED, That the bill do pass, two thirds of the Senate agreeing to pass the same.

Attest:

J. W. FORNEY,

*Secretary of the Senate.*

II. In pursuance of the act of Congress entitled "An act to provide for the more efficient government of the rebel States," the President directs the following assignments to be made:

First district, State of Virginia, to be commanded by Brevet Major General J. M. Scofield. Headquarters, Richmond, Virginia.

Second district, consisting of North Carolina and South Carolina, to be commanded by Major General D. E. Sickles. Headquarters, Columbia, South Carolina.

\*Third district, consisting of the States of Georgia, Florida and Alabama, to be commanded by Major General G. H. Thomas. Headquarters, Montgomery, Alabama; changed to Atlanta, Georgia. General Orders 52.

Fourth district, consisting of the States of Mississippi and Arkansas, to be commanded by Brevet Major

\*Major General Pope assigned to command of third district, instead of Major General Thomas. General Order No. 18; p. 55.



General E. O. C. Ord. Headquarters, Vicksburg, Mississippi.

Fifth district, consisting of the States of Louisiana and Texas, to be commanded by Major General P. H. Sheridan. Headquarters, New Orleans, Louisiana.

The powers of departmental commanders are hereby delegated to the above-named district commanders.

By command of General Grant:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Official:

E. D. TOWNSEND,

*Assistant Adjutant General.*

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General Order No. 18.

*An Act supplementary to an Act entitled "An Act to provide for the more efficient Government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and to facilitate Restoration.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an Act entitled "An Act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who*



are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, -----, do solemnly swear (or affirm), in the presence of Almighty God, that I am a citizen of the State of -----; that I have resided in said State for ----- months next preceding this day, and now reside in the county of -----, or the parish of -----, in said State, (as the case may be); that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State Legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God"; which oath or affirmation may be administered by any registering officer.

SEC. 2. *And be it further enacted,* That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an elec-



tion shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State Legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid as nearly as may be. The convention in Virginia shall consist of the same number of members as represented in the territory now constituting Virginia in the most numerous branch of the Legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

SEC. 3. *And be it further enacted,* That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words, "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The persons appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall



be against a convention, then no such convention shall be held under this act: *Provided*, That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

SEC. 4. *And be it further enacted*, That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates, according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act, and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention: and the returns thereof shall be made to the commanding general of the district.



SEC. 5. *And be it further enacted,* That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast as said election, at least one half of all the registered voters voting upon the question of such ratification, the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided.

SEC. 6. *And be it further enacted,* That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall during the operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July second, eighteen hundred and sixty-two, entitled, "An act to prescribe an



oath of office": *Provided*, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

SEC. 7. *And be it further enacted*, That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

SEC. 9. *And be it further enacted*, That the word "article" in the sixth section of the act to which this is supplementary, shall be construed to mean "section."

SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

B. F. WADE,

*President of the Senate pro tempore.*



WASHINGTON, March 23, 1867.

*To the House of Representatives:*

I have considered the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the Rebel States,' passed March 2, 1867, and to facilitate restoration," and now return it to the House of Representatives with my objections.

This bill provides for elections in the ten States brought under the operation of the original act to which it is supplementary. Its details are principally directed to the elections for the formation of the State Constitutions, but by the sixth section of the bill "all elections" in these States occurring while the original act remains in force are brought within its purview. Referring to these details, it will be found that, first of all, there is to be a registration of the voters. No one whose name has not been admitted on the list is to be allowed to vote at any of these elections. To ascertain who is entitled to registration reference is made necessary, by the express language of the supplement to the original act and to the pending bill. The fifth section of the original act provides, as to voters, that they shall be "male citizens of the State, 21 years old and upward, of whatever race, color, or previous condition, who have been residents of said State for one year." This is the general qualification, followed, however, by many exceptions. No one can be registered, according to the original act, "who may be disfranchised for participation in the rebellion"—a provision which left undetermined the question as to what amounted to disfranchisement, and whether without a



judicial sentence the act itself produced that effect. This supplemental bill superadds an oath, to be taken by every person before his name can be admitted upon the registration, that he has "not been disfranchised for participation in any rebellion or civil war against the United States." It thus imposes upon every person the necessity and responsibility of deciding for himself, under the peril of punishment by a military commission if he makes a mistake, what works disfranchisement by participation in rebellion and what amounts to such participation. Almost every man—the negro as well as the white—above 21 years of age who was resident in these ten States during the rebellion, voluntarily or involuntarily, at some time and in some way did participate in resistance to the lawful authority of the general government. The question with the citizen to whom this oath is to be proposed must be a fearful one, for while the bill does not declare that perjury may be assigned for such false swearing nor fix any penalty for the offense, we must not forget that martial law prevails; that every person is answerable to a military commission, without previous presentment by a grand jury, for any charge that may be made against him, and that the supreme authority of the military commander determines the question as to what is an offense and what is to be the measure of punishment.

The fourth section of the bill provides "that the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons." The only qualification stated for these officers is that they must be "loyal." They may be persons in the military service or civilians, residents of the State or strangers. Yet these persons



are to exercise most important duties and are vested with unlimited discretion. They are to decide what names shall be placed upon the register and from their decision there is to be no appeal. They are to superintend the elections and to decide all questions which may arise. They are to have the custody of the ballots and to make return of the persons elected. Whatever frauds or errors they may commit must pass without redress. All that is left for the commanding general is to receive the returns of the elections, open the same, and ascertain who are chosen "according to the returns of the officers who conducted said elections." By such means and with this sort of agency are the conventions of delegates to be constituted.

As the delegates are to speak for the people, common justice would seem to require that they should have authority from the people themselves. No convention so constituted will in any sense represent the wishes of the inhabitants of these States, for under the all-embracing exceptions of these laws, by a construction which the uncertainty of the clause as to disfranchisement leaves open to the board of officers, the great body of the people may be excluded from the polls and from all opportunity of expressing their own wishes or voting for delegates who will faithfully reflect their sentiments.

I do not deem it necessary further to investigate the details of this bill. No consideration could induce me to give my approval to such an election law for any purpose, and especially for the great purpose of framing the constitution of a State. If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fun-



damental law under which he is to live. That work is his work, and it can not properly be taken out of his hands. All this Legislation proceeds upon the contrary assumption that the people of each of these States shall have no Constitution except such as may be arbitrarily dictated by Congress and formed under the restraint of military rule. A plain statement of facts makes this evident.

In all these States there are existing constitutions, framed in the accustomed way by the people. Congress, however, declares that these constitutions are not "loyal and republican," and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the Constitution of a State "loyal and republican"? The original act answers the question: It is universal negro suffrage—a question which the Federal Constitution leaves exclusively to the States themselves. All this Legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing Constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now than when these States, four of which were members of the original thirteen, first became members of the Union.

Congress does not now demand that a single provision of their Constitutions be changed except such as confine suffrage to the white population. It is apparent, therefore, that these provisions do not conform to the standard of republicanism which Congress seeks to establish. That there may be no mistake, it is only neces-



sary that reference should be made to the original act, which declares "such Constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates." What class of persons is here meant clearly appears in the same section; that is to say, "the male citizens of said State 21 years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election."

Without these provisions no constitution which can be framed in any one of the ten States will be of any avail with Congress. This, then, is the test of what the constitution of a State of this Union must contain to make it republican. Measured by such a standard, how few of the States now composing the Union have republican Constitutions! If in the exercise of the Constitutional guaranty that Congress shall secure to every State a republican form of government universal suffrage for blacks as well as whites is a *sine qua non*, the work of reconstruction may as well begin in Ohio as in Virginia, in Pennsylvania as in North Carolina.

When I contemplate the millions of our fellow-citizens of the South with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement—and white disfranchisement, it may be, almost as complete—or submit indefinitely to the rigor of martial law, without a single attribute of freemen, deprived of all the sacred guaranties of our Federal Constitution, and threatened with even worse wrongs, if any worse are possible, it seems to me their condition is the most deplorable to which any



people can be reduced. It is true that they have been engaged in rebellion and that their object being a separation of the States and a dissolution of the Union there was an obligation resting upon every loyal citizen to treat them as enemies and to wage war against their cause.

Inflexibly opposed to any movement imperiling the integrity of the government, I did not hesitate to urge the adoption of all measures necessary for the suppression of the insurrection. After a long and terrible struggle the efforts of the government were triumphantly successful, and the people of the South, submitting to the stern arbitrament, yielded forever the issues of the contest. Hostilities terminated soon after it became my duty to assume the responsibilities of the chief executive officer of the republic, and I at once endeavored to repress and control the passions which our civil strife had engendered, and, no longer regarding these erring millions as enemies, again acknowledged them as our friends and our countrymen. The war had accomplished its objects. The nation was saved and that seminal principle of mischief which from the birth of the government had gradually but inevitably brought on the rebellion was totally eradicated. Then, it seems to me, was the auspicious time to commence the work of reconciliation; then, when these people sought once more our friendship and protection, I considered it our duty generously to meet them in the spirit of charity and forgiveness and to conquer them even more effectually by the magnanimity of the nation than by the force of its arms. I yet believe that if the policy of reconciliation then inaugurated, and which contemplated an early restoration of these people



to all their political rights, had received the support of Congress, every one of these ten States and all their people would at this moment be fast anchored in the Union and the great work which gave the war all its sanction and made it just and holy would have been accomplished. Then over all the vast and fruitful regions of the South peace and its blessings would have prevailed, while now millions are deprived of rights guaranteed by the Constitution to every citizen, and after nearly two years of Legislation find themselves placed under an absolute military despotism. "A military republic, a government founded on mock elections and supported only by the sword," was nearly a quarter of a century since pronounced by Daniel Webster, when speaking of the South American States, as "a movement, indeed, but a retrograde and disastrous movement, from the regular and old-fashioned monarchical system;" and he added:

"If men would enjoy the blessings of republican government, they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed; and, above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced there can be no political freedom. Absurd preposterous is it, a scoff and a satire on free forms of constitutional liberty, for frames of government to be prescribed by military leaders and the right of suffrage to be exercised at the point of the sword."

I confidently believe that a time will come when these States will again occupy their true positions in the



Union. The barriers which now seem so obstinate must yield to the force of an enlightened and just public opinion, and sooner or later unconstitutional and oppressive legislation will be effaced from our statute books. When this shall have been consummated, I pray God that the errors of the past may be forgotten, and that once more we shall be a happy, united, and prosperous people, and that at last, after the bitter and eventful experience through which the nation has passed, we shall all come to know that our only safety in the preservation of our Federal constitution and in according to every American citizen and to every State the rights which that Constitution secures.

ANDREW JOHNSON.

IN THE HOUSE OF REPRESENTATIVES, U. S.,

March 23, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the Rebel States' passed March second, eighteen hundred and sixty-seven, and to facilitate restoration," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same: and

RESOLVED, That the said bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:

EDWD. MCPHERSON,

*Clerk H. R. U. S.*



## IN SENATE OF THE UNITED STATES,

March 23, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the Rebel States,' passed March second, eighteen hundred and sixty-seven, and to facilitate restoration," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

RESOLVED, That the bill do pass, two thirds of the Senate agreeing to pass the same.

Attest:

J. W. FORNEY,  
*Secretary.*

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*An Act supplementary to an Act entitled "An Act to provide for the more efficient Government of the Rebel States," passed on the second day of March, eighteen hundred and sixty-seven, and the Act supplementary thereto, passed on the twenty-third day of March, eighteen hundred and sixty seven.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to have been the true intent and meaning of the act of the second day of*



March, one thousand eight hundred and sixty-seven, entitled "An act to provide for the more efficient government of the rebel States," and of the act supplementary thereto, passed on the twenty-third day of March, in the year one thousand eight hundred and sixty-seven, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

SEC. 2. *And be it further enacted*, That the commander of any district named in said act shall have power, subject to the disapproval of the General of the Army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any person or persons holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof, and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed by the detail of some competent officer or soldier



of the army, or by the appointment of some other person, to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

SEC. 3. *And be it further enacted*, That the General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

SEC. 4. *And be it further enacted*, That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided*, That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office as aforesaid all persons who are disloyal to the government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

SEC. 5. *And be it further enacted*, That the boards of registration provided for in the act entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March two, eighteen hundred and sixty-seven, and to facilitate restoration," passed March twenty-three, eighteen hundred and sixty-seven, shall have power, and it shall be their duty before allowing the registration of any person, to ascertain, upon such facts



or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, to be administered by any member of such board, any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided*, That no person shall be disqualified as member of any board of registration by reason of race or color.

SEC. 6. *And be it further enacted*, That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.



SEC. 7. *And be it further enacted,* That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district be extended to the first day of October, eighteen hundred and sixty-seven; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote by reason of any executive pardon or amnesty for any act or thing which, without such pardon or amnesty, would disqualify him from registration or voting.

SEC. 8. *And be it further enacted,* That section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

SEC. 9. *And be it further enacted,* That all members of said boards of registration and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders,



shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States.

SEC. 10. *And be it further enacted*, That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

SEC. 11. *And be it further enacted*, That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

B. F. WADE,

*President of the Senate pro tempore.*

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WASHINGTON, D. C., July 19, 1867.

*To the House of Representatives of the United States:*

I return herewith the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the Rebel States,' passed on the 2d day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867," and will state as briefly as possible some of the reasons which prevent me from giving it my approval.

This is one of a series of measures passed by Congress during the last four months on the subject of re-



construction. The message returning the act of the 2d. of March last states at length my objections to the passage of that measure. They apply equally well to the bill now before me, and I am content merely to refer to them and to reiterate my conviction that they are sound and unanswerable.

There are some points peculiar to this bill, which I will proceed at once to consider.

The first section purports to declare "the true intent and meaning," in some particulars, of the two prior acts upon this subject.

It is declared that the intent of those acts was, first, that the existing governments in the ten "Rebel States" "were not legal State governments," and, second, "that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts and to the paramount authority of Congress."

Congress may by a declaratory act fix upon a prior act a construction altogether at variance with its apparent meaning, and from the time, at least, when such a construction is fixed the original act will be construed to mean exactly what it is stated to mean by the declaratory statute. There will be, then, from the time this bill may become a law no doubt, no question, as to the relation in which the "existing governments," in those States, called in the original act "the provisional government," stand toward the military authority. As those relations stood before the declaratory act, these "governments," it is true, were made subject to absolute military authority in many important respects, but not in all, the language of the act being



“subject to the military authority of the United States, as hereinafter prescribed.” By the sixth section of the original act these governments were made “in all respects subject to the paramount authority of the United States.”

Now by this declaratory act it appears that Congress did not by the original act intend to limit the military authority to any particulars or subjects therein “prescribed,” but meant to make it universal. Thus over all of these ten States this military government is now declared to have unlimited authority. It is no longer confined to the preservation of the public peace, the administration of criminal law, the registration of voters, and the superintendence of elections, but “in all respects” is asserted to be paramount to the existing civil governments.

It is impossible to conceive any state of society more intolerable than this; and yet it is to this condition that 12,000,000 American citizens are reduced by the Congress of the United States. Over every foot of the immense territory occupied by these American citizens the Constitution of the United States is theoretically in full operation. It binds all the people there and should protect them; yet they are denied every one of its sacred guaranties.

Of what avail will it be to any one of these Southern people when seized by a file of soldiers to ask for the cause of arrest or for the production of the warrant? Of what avail to ask for the privilege of bail when in military custody, which knows no such thing as bail? Of what avail to demand a trial by jury, process for wit-



nesses, a copy of the indictment, the privilege of counsel, or that greater privilege, the writ of *habeas corpus*?

The veto of the original bill of the 2d of March was based on two distinct grounds—the interference of Congress in matters strictly appertaining to the reserved powers of the State and the establishment of military tribunals for the trial of citizens in time of peace. The impartial reader of that message will understand that all that it contains with respect to military despotism and martial law has reference especially to the fearful power conferred on the district commanders to displace the criminal courts and assume jurisdiction to try and to punish by military boards; that, potentially, the suspension of the *habeas corpus* was martial law and military despotism. The act now before me not only declares that the intent was to confer such military authority, but also to confer unlimited military authority over all the other courts of the State and over all the officers of the State—legislative, executive and judicial. Not content with the general grant of power, Congress, in the second section of this bill, specifically gives to each military commander the power “to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under any so-called State, or the government thereof, or any municipal or other division thereof.”

A power that hitherto all the departments of the Federal government, acting in concert or separately,



have not dared to exercise is here attempted to be conferred on a subordinate military officer. To him, as a military officer of the Federal government, is given the power, supported by "a sufficient military force," to remove every civil officer of the State. What next? The district commander, who has thus displaced the civil officer, is authorized to fill the vacancy by the detail of an officer or soldier of the army, or by the appointment of "some other person."

This military appointee, whether an officer, a soldier, or "some other person," is to perform "the duties of such officer or person so suspended or removed." In other words, an officer or soldier of the army is thus transformed into a civil officer. He may be made a governor, a legislator, or a judge. However unfit he may deem himself for such civil duties, he must obey the order. The officer of the army must, if "detailed," go upon the Supreme bench of the State with the same prompt obedience as if he were detailed to go upon a court-martial. The soldier, if detailed to act as a Justice of the Peace, must obey as quickly as if he were detailed for picket duty.

What is the character of such a military civil officer? The bill declares that he shall perform the duties of the civil office to which he is detailed. It is clear, however, that he does not lose his position in the military service. He is still an officer or soldier of the army; he is still subject to the rules and regulations which govern it, and must yield due deference, respect, and obedience toward his superiors.

The clear intent of this section is that the officer or soldier detailed to fill a civil office must execute its duties



according to the laws of the State. If he is appointed a governor of a State, he is to execute the duties as provided by the laws of that State, and for the time being his military character is to be suspended in his new civil capacity. If he is appointed State treasurer, he must at once assume the custody and disbursement of the funds of the State, and must perform those duties precisely according to the laws of the State, for he is intrusted with no other official duty or other official power. Holding the office of treasurer and intrusted with funds, it happens that he is required by the State laws to enter into bond with security and to take an oath of office; yet from the beginning of the bill to the end, there is no provision for any bond or oath of office, or for any single qualification required under the State law, such as residence, citizenship, or anything else. The only oath is that provided for in the ninth section, by the terms of which everyone detailed or appointed to any civil office in the State is required "to take and to subscribe the oath of office prescribed by law for officers of the United States." Thus an officer of the army of the United States detailed to fill a civil office in one of these States gives no official bond and takes no official oath for the performance of his new duties, but as a civil officer of the State only takes the same oath which he had already taken as a military officer of the United States. He is, at last, a military officer performing civil duties, and the authority under which he acts is Federal authority only; and the inevitable result is that the Federal government, by the agency of its own sworn officers, in effect assumes the civil government of the State.

A singular contradiction is apparent here. Congress



declares these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by Federal officers, who are to perform the very duties imposed on its own officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a *legal* State government by the agency of its own officers. It is yet more strange that Congress attempts to sustain and carry on an *illegal* State government by the same Federal agency.

In this connection I must call attention to the tenth and eleventh sections of the bill, which provide that none of the officers or appointees of these military commanders "shall be bound in his action by any opinion of any civil officer of the United States," and that all the provisions of the act "shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out."

It seems Congress supposed that this bill might require construction, and they fix, therefore, the rule to be applied. But where is the construction to come from? Certainly no one can be more in want of instruction than a soldier or an officer in the army detailed for a civil service, perhaps the most important in a State, with the duties of which he is altogether unfamiliar. This bill says he shall not be bound in his action by the opinion of any civil officer of the United States. The duties of the office are altogether civil, but when he asks for an opinion he can only ask the opinion of another military officer, who, perhaps, understands as little of his duties as he does himself, and as to his "action," he is answerable to the military authority, and to the military authority



alone. Strictly, no opinion of any civil officer other than a judge has a binding force.

But these military appointees would not be bound even by a judicial opinion. They might very well say, even when their action is in conflict with the Supreme Court of the United States, "That court is composed of civil officers of the United States, and we are not bound to conform our action to any opinion of any such authority."

This bill and the acts to which it is supplementary are all founded upon the assumption that these ten communities are not States and that their existing governments are not legal. Throughout the legislation upon this subject they are called "rebel States," and in this particular bill they are denominated "so-called States," and the vice of illegality is declared to pervade all of them. The obligations of consistency bind a legislative body as well as the individuals who compose it. It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three acts are contradicted again and again by repeated acts of legislation enacted by Congress from the year 1861 to the year 1867.

During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 23,



1866, by which every one of these ten States was arranged into districts and circuits.

They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that amendment—seven of which votes were given by seven of these ten States—it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State Constitution; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State Legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

As to the other constitutional amendment, having reference to suffrage, it happens that these States have not accepted it. The consequence is that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United States has repeatedly given its sanc-



tion to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both Houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal-revenue laws all these States are districted, not as "Territories," but as "States."

So much for continuous Legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States. That august tribunal, from first to last, in the administration of its duties *in banc* and upon the circuit, has never failed to recognize these ten communities as legal States of the Union. The cases depending in that court upon appeal and writ of error from these States when the rebellion began have not been dismissed upon any idea of the cessation of jurisdiction. They were carefully continued from term to term until the rebellion was entirely subdued and peace re-established, and then they were called for argument and consideration as if no insurrection had intervened. New cases, occurring since the rebellion, have come from these States before that court by writ of error and appeal, and even by original suit, where only "a State" can bring such a suit. These cases are entertained by that tribunal in the exercise of its acknowledged jurisdiction, which could not attach to them if they had come from any political body other than a State of the Union. Finally, in the allotment of their circuits made by the judges at the



December term, 1865, every one of these States is put on the same footing of legality with all the other States of the Union. Virginia and North Carolina, being a part of the fourth circuit, are allotted to the Chief Justice. South Carolina, Georgia, Alabama, Mississippi, and Florida constitute the fifth circuit, and are allotted to the late Mr. Justice Wayne. Louisiana, Arkansas, and Texas, are allotted to the sixth judicial circuit, as to which there is a vacancy on the bench.

The Chief Justice, in the exercise of his circuit duties, has recently held a circuit court in the State of North Carolina. If North Carolina is not a State of this Union, the Chief Justice had no authority to hold a court there, and every order, judgment, and decree rendered by him in that court were *coram non judice* and void.

Another ground on which these reconstruction acts are attempted to be sustained is this: That these ten States are conquered territory; that the constitutional relation in which they stood as States toward the Federal government prior to the rebellion has given place to a new relation; that their territory is a conquered country and their citizens a conquered people, and that in this new relation Congress can govern them by military power. A title by conquest stands on clear ground; it is a new title acquired by war; it applies only to territory; for goods or movable things regularly captured in war are called "booty," or if taken by individual soldiers, "plunder."

There is not a foot of the land in any one of these ten States which the United States holds by conquest, save only such land as did not belong to either of these States or to any individual owner. I mean such lands as did be-



long to the pretended government called the Confederate States. These lands we may claim to hold by conquest. As to all other land or territory, whether belonging to the States or to individuals, the Federal government has now no more title or right to it than it had before the rebellion. Our own forts, arsenals, navy-yards, custom-houses, and other Federal property situate in those states we now hold, not by the title of conquest, but by our old title, acquired by purchase or condemnation for public use, with compensation to former owners. We have not conquered these places, but have simply "repossessed" them.

If we require more sites for forts, custom-houses, or other public use, we must acquire the title to them by purchase or appropriation in the regular mode. At this moment the United States, in the acquisition of sites for national cemeteries in these States, acquires title in the same way. The Federal courts sit in court-houses owned or leased by the United States, not in the court-houses of the States. The United States pays each of these States for the use of its jails. Finally, the United States levies its direct taxes and its internal revenue upon the property in these States, including the productions of the lands within their territorial limits, not by way of levy and contribution in the character of a conquerer, but in the regular way of taxation, under the same laws which apply to all the other States of the Union.

From first to last, during the rebellion and since, the title of each of these States to the lands and public buildings owned by them has never been disturbed, and not a foot of it has ever been acquired by the United



States, even under a title by confiscation, and not a foot of it has ever been taxed under Federal law.

In conclusion I must respectfully ask the attention of Congress to the consideration of one more question arising under this bill. It vests in the military commander, subject only to the approval of the General of the army of the United States, an unlimited power to remove from office any civil or military officer in each of these ten States, and the further power, subject to the same approval, to detail or appoint any military officer or soldier of the United States to perform the duties of the officer so removed, and to fill all vacancies occurring in those States by death, resignation, or otherwise.

The military appointee thus required to perform the duties of a civil office according to the laws of the State, and, as such, required to take an oath, is for the time being a civil officer. What is his character? Is he a civil officer of the State or a civil officer of the United States? If he is a civil officer of the State, where is the Federal power under our constitution which authorizes his appointment by any Federal officer? If, however, he is to be considered a civil officer of the United States, as his appointment and oath would seem to indicate, where is the authority for his appointment vested by the constitution? The power of appointment of all officers of the United States, civil or military, where not provided for in the constitution, is vested in the President, by and with the advice and consent of the Senate, with this exception, that Congress "may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments." But this bill, if these are to be consid-



ered inferior officers within the meaning of the constitution, does not provide for their appointment by the President alone, or by the courts of law, or by the heads of departments, but vests the appointment in one subordinate executive officer, subject to the approval of another subordinate executive officer. So that, if we put this question and fix the character of this military appointee either way, this provision of the bill is equally opposed to the constitution.

Take the case of a soldier or officer appointed to perform the office of judge in one of these States, and, as such, to administer the proper laws of the State. Where is the authority to be found in the Constitution for vesting in a military or an executive officer strict judicial functions to be exercised under State law? It has been again and again decided by the Supreme Court of the United States that acts of Congress which have attempted to vest *executive* powers in the *judicial* courts or judges of the United States are not warranted by the Constitution. If Congress can not clothe *a judge* with merely *executive* duties, how can they clothe *an officer* or *soldier* of the army with *judicial* duties over citizens of the United States who are not in the military or naval service? So, too, it has been repeatedly decided that Congress can not require a State officer, executive or judicial, to perform any duty enjoined upon him by a law of the United States. How, then, can Congress confer power upon an executive officer of the United States to perform such duties in a State? If Congress could not vest in a judge of one of these States any judicial authority under the United States by direct enactment, how can it accomplish the same thing indirectly, by removing



the State judge and putting an officer of the United States in his place?

To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress.

Within a period less than a year the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The constitution and the oath provided in it devolve upon the President the power and duty to see that the laws are faithfully executed. The constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the power to exercise that constitutional duty is effectually taken away. The military commander is as to the power of appointment made to take the place of the President, and the General of the army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretense of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

If there were no other objections than this to this proposed legislation, it would be sufficient. Whilst I hold the Chief Executive authority of the United States, whilst the obligation rests upon me to see that all the laws are faithfully executed, I can never willingly sur-



render that trust or the powers given for its execution. I can never give my assent to be made responsible for the faithful execution of laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers. If this executive trust, vested by the constitution in the President, is to be taken from him and vested in a subordinate officer, the responsibility will be with Congress in clothing the subordinate with unconstitutional power and with the officer who assumes its exercise.

This interference with the constitutional authority of the executive department is an evil that will inevitably sap the foundations of our federal system; but it is not the worst evil of this legislation. It is a great public wrong to take from the President powers conferred on him alone by the constitution, but the wrong is more flagrant and more dangerous when the powers so taken from the President are conferred upon subordinate executive officers, and especially upon military officers. Over nearly one-third of the States of the Union military power, regulated by no fixed law, rules supreme. Each one of the five district commanders, though not chosen by the people or responsible to them, exercises at this hour more executive power, military and civil, than the people have ever been willing to confer upon the head of the executive department, though chosen by and responsible to themselves. The remedy must come from the people themselves. They know what it is and how it is to be applied. At the present time they can not, according to the forms of the constitution, repeal these laws; they can not remove or control this military despotism. The remedy is, nevertheless, in their hands; it is to be



found in the ballot, and is a sure one if not controlled by fraud, overawed by arbitrary power, or, from apathy on their part, too long delayed. With abiding confidence in their patriotism, wisdom, and integrity, I am still hopeful of the future, and that in the end the rod of despotism will be broken, the armed heel of power lifted from the necks of the people, and the principles of a violated constitution preserved.

ANDREW JOHNSON.

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IN THE HOUSE OF REPRESENTATIVES, U. S.,

July 19th, 1867.

The President of the United States, having returned to the House of Representatives, in which it originated, the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the Rebel States,' passed on the second day of March, eighteen hundred and sixty-seven, and the act supplementary thereto passed on the twenty-third day of March, eighteen hundred and sixty-seven," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

RESOLVED, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest

EDWD. MCPHERSON,

*Clerk H. R. U. S.*



IN THE SENATE OF THE UNITED STATES,

July 19, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed on the second day of March, eighteen hundred and sixty-seven, and the act supplementary thereto, passed on the twenty-third day of March, eighteen hundred and sixty-seven," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

RESOLVED, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest:

J. W. FORNEY,

*Secretary.*

By W. J. McDONALD,

*Chief Clerk.*



JOURNAL  
OF THE PROCEEDINGS  
OF THE  
CONSTITUTIONAL CONVENTION  
OF THE  
PEOPLE OF GEORGIA.

HELD IN THE CITY OF ATLANTA IN THE MONTHS OF DECEMBER,  
1867, AND JANUARY, FEBRUARY AND MARCH, 1868.

AND ORDINANCES AND RESOLUTIONS ADOPTED.

*Published by Order of the Convention.*



## JOURNAL OF THE CONSTITUTIONAL CONVENTION OF GEORGIA.

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ATLANTA, GA., Monday Dec. 9, 1867.

At the hour of 11 o'clock a. m., the members elect to the Convention, assembled in the City Hall, and were called to order by Hon. G. W. Ashburn, of Muscogee.

Mr. Ashburn nominated Hon. Foster Blodgett, of Richmond, as temporary Chairman, for the purpose of temporary organization.

The nomination was seconded, and ratified by a vote of the delegates.

Mr. Blodgett being absent, on motion of Mr. Parrott, Hon. J. L. Dunning was called to the Chair.

On motion of Mr. Conley, Hon. Walter L. Clift was requested to act as temporary Secretary.

Mr. Conley moved that Order 89 of General Pope, convening the Convention, be read. The motion was adopted, and the Order read by the Secretary.

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Georgia, Alabama, and Florida.)

*Atlanta, Ga., Nov. 19, 1867.*

*General Orders, No. 89.*

Whereas, by General Orders No. 69, from these Headquarters, dated September 19, 1867, an Election was



ordered to be held in the State of Georgia, on the *Twenty-ninth, Thirtieth, and Thirty-first days of October, 1867*, and by General Orders No. 83, said Election was continued on the *First and Second days of November, 1867*, at which Election, in pursuance of an Act of Congress, entitled "An Act to provide for the more efficient government of the rebel States," and the Acts supplementary thereto, the registered voters of said State might vote "For a Convention," or "Against a Convention," and for delegates to constitute the Convention in case a majority of the votes given on that question should be for a Convention, and in case a majority of all the registered voters should have voted on the question of a Convention.

And, whereas, At an election held in pursuance of said Orders, and in conformity to said Acts, there were polled on the question of a Convention votes to the number of *One Hundred and Six Thousand Four Hundred and Ten* (106,410), being more than one-half of *One Hundred and Eighty-Eight Thousand Six Hundred and Forty-Seven* (188,647), the whole number of registered voters in said State; and of the whole number of votes polled on the question of a Convention, *One Hundred and Two Thousand Two Hundred and Eighty-Three* (102,283), being a majority of the same, were cast for a Convention.

And, whereas, at said Election the following named persons were elected as Delegates to said Convention from the respective Election Districts in which they were so chosen:

From the First Election District—C. H. Hopkins,



James Stewart, A. A. Bradley, Walter L. Clift, Isaac Seeley, W. H. D. Reynolds, M. H. Bentley, A. L. Harris.

From the Second Election District—T. G. Campbell, William A. Goulding.

From the Third Election District—A. M. Moore.

From the Fourth Election District—F. M. Smith.

From the Fifth Election District—P. B. Bedford.

From the Sixth Election District—Levi J. Knight, Lewis H. Roberts.

From the Seventh Election District—M. C. Smith, W. C. Carson, J. L. Cutler.

From the Eighth Election District—R. H. Whiteley, B. F. Powell, John Higden.

From the Ninth Election District—H. H. Christian, William W. Dews, Charles C. Martin.

From the Tenth Election District—John Murphy, F. O. Welch, Phillip Joiner, Benjamin Sikes.

From the Eleventh Election District—W. H. Noble, J. A. Jackson, Robert Alexander, John Whitaker.

From the Twelfth Election District—J. E. Blount, Thomas Crayton, G. W. Chatters.

From the Thirteenth Election District—H. K. McCay, J. E. Hall, F. Snead, Robert Lumpkin, Jesse Dinkins.

From the Fourteenth Election District—S. F. Salter, J. W. Trawick, Simeon Stanley, J. M. Buchan.

From the Fifteenth Election District—A. J. Cameron.



From the Sixteenth Election District—George Linder, E. W. Lane.

From the Seventeenth Election District—J. A. Madden, J. M. Rice, Robert Whitehead, M. Claiborne, H. H. Glisson.

From the Eighteenth Election District—R. B. Bullock, Benjamin Conley, Foster Blodgett, J. E. Bryant, S. W. Beaird, Alexander Stone, John Neal. ✓

From the Nineteenth Election District—D. P. Baldwin, Joseph Adkins, Robert Crumbley, John W. T. Catching, Henry Strickland.

From the Twentieth Election District—C. H. Prince, George Wallace, C. C. Richardson, Daniel Palmer, W. H. Harrison, W. C. Supple.

From the Twenty-first Election District—Samuel Gove, William Griffin, Charles Hooks, Thomas Gibson.

From the Twenty-second Election District—G. G. Wilbur, M. A. Potts, F. Wooten, A. Bowdoin, T. J. Speer, W. J. Howe, M. Cooper, H. M. Turner.

From the Twenty-third Election District—Posey Maddox, O. H. Walton, S. A. Cobb, J. H. Anderson, William P. Edwards.

From the Twenty-fourth Election District—G. W. Ashburn, J. G. Maul, Thomas Gilbert, Van Jones, J. C. Casey.

From the Twenty-fifth Election District—William Guilford, T. J. Costin, L. L. Stanford, Samuel Williams, E. J. Higbee.



From the Twenty-sixth Election District—W. H. Whitehead, W. H. Rozar, S. T. W. Minor.

From the Twenty-seventh Election District—John Harris, J. W. Christian, N. P. Hotchkiss, C. D. Davis, James C. Barton.

From the Twenty-eighth Election District—H. S. Glover, William F. Jordan, J. R. Hudson, T. P. Saffold, A. G. Foster.

From the Twenty-ninth Election District—D. G. Cotting, Lewis Pope, Josiah Sherman, James Knox, Romulus Moore.

From the Thirtieth Election District—A. T. Akerman, J. McWhorter, E. S. Cobb, J. Bell.

From the Thirty-first Election District—S. W. Crawford, Philip Martin, W. F. Bowers.

From the Thirty-second Election District—Milton Moore, J. A. Woody.

From the Thirty-third Election District—Madison Bell, Wm. L. Marler, Benjamin Dunnigan.

From the Thirty-fourth Election District—J. Matthews, B. D. Shumate, S. E. Dailey, Shadrick Brown, J. R. Bracewell.

From the Thirty-fifth Election District—H. V. M. Miller, James L. Dunning, N. L. Angier, J. H. Flinn, W. C. Lee, H. G. Cole, David Irwin.

From the Thirty-sixth Election District—J. W. Key, P. W. Chambers, J. S. Bigby, W. C. Smith, J. C. Bowden.



From the Thirty-seventh Election District—John H. Caldwell, Robert Robertson, George Harlan, A. H. Harrison, E. B. Martin.

From the Thirty-eight Election District—T. J. Foster, J. D. Waddell, R. B. Hutcherson.

From the Thirty-ninth Election District—J. G. Lott, S. T. Houston, A. W. Holcombe.

From the Fortieth Election District—W. T. Crane, John Bryson.

From the Forty-first Election District—C. A. Ellington, Wilkey McHan.

From the Forty-Second Election District—Wesley Shropshire, J. R. Parrott, W. L. Goodwin, George B. Burnett, Wm. A. Fort.

From the Forty-third Election District—L. N. Trammell, John H. King, S. E. Fields.

From the Forty-fourth Election District—Presley Yates, John M. Shields.

*It is ordered:* That the persons above named do meet in Convention, at *Atlanta, Georgia, Monday, the 9th day of December, 1867*, and proceed to frame a Constitution and Civil Government for the State of Georgia, according to the provisions of the Acts above referred to, and that when the same shall have been so framed, the said Constitution be submitted for ratification to the registered voters of said State as further required by law.

JOHN POPE,

*Brevet Major General Commanding.*

Official:

R. C. DRUM, A. A. G.



Mr. Blount moved that the roll be called and the absentees marked.

The motion having prevailed, the Secretary called the roll and reported one hundred and thirty members present.

Mr. Akerman offered the following:

*Resolved*, That the roll of delegates be called, and the members present vote for President of the Convention *viva voce*, and that the gentleman receiving the largest number of votes be the permanent President of the Convention.

Mr. Campbell offered the following amendment:

RESOLVED, That the members present, who have aspirations for the honor of President of the Convention, be requested to define their position on the subject of Relief.

The amendment was neither accepted by the mover of the Resolution or seconded.

Mr. Bryant moved that the Convention adjourn till to-morrow 12 o'clock.

The motion was lost by a vote of yeas 62 to nays 64.

Mr. Bradley moved to lay the Resolution on the table.

Carried.

On motion of Mr. Bryant the Convention adjourned till to-morrow 12 o'clock m.



ATLANTA, GA., Tuesday, Dec. 10, 1867.

The Convention met at 12 o'clock m., pursuant to adjournment.

Mr. Dunning having called the Convention to order, and having announced the presence of Hon. Foster Blodgett, who had on yesterday been elected temporary Chairman of the Convention, then requested Mr. Blodgett to take the Chair.

Mr. Blodgett took the Chair and addressed the Convention as follows:

*Gentlemen of the Convention:*

I am profoundly sensible of the honor conferred on me, in being chosen to provide temporarily over your body at this conjuncture of public affairs.

A new era has dawned upon the country. This great Republic has risen to the full grandeur of its position, and promises to fulfill its glorious destiny. The principles of the Declaration of Independence have, at length, been vindicated; no longer are they obscured in one half of the Union, by the existence of an institution which was a reproach alike to freedom and to civilization. It is now recognized as a great practical as well as theoretical truth, throughout the wide extent of our country, that "all men are created equal, that they are endowed by their Creator with certain unalienable rights—that among these are life, liberty, and the pursuit of happiness." The morning sun, as it rises in the east, gilds the flag of Freedom, and as it descends beneath the waves of the Pacific, it sheds its splendor upon shores where institutions are seated that promise to spread the



priceless blessings of regulated liberty over the distant nations that have so long dwelt apart from modern civilization.

It is to be regretted that so many of our countrymen, who have grown up under a system which subjected a part of our people to hard and degrading bondage, are slow to comprehend and to acknowledge this great fact. They cling to the ruins of a structure that now belongs to the past. They are under the dominion of ideas that no longer are represented in this country; ideas that are fast disappearing from the civilized world. The great struggle through which the country has just passed was the natural, and may be the necessary result of the advance of the Republic in the career of civilization. It was simply impossible much longer to resist the pressure of the public sentiment of the world against the domestic institution of the Southern States of the American Union. Those who controlled affairs at the South precipitated the result by a vain effort to wrest these plantation States from the Union—an effort that involved in its failure the complete overthrow of that monstrous system which held millions of human beings in a bondage that it required a national convulsion to destroy.

To-day, the Republic is free! This Convention is a splendid exemplification of the fact. Gentlemen, I tender you my congratulations. The whole civilized world greets you to-day, assembled as the representatives of the people of the free State of Georgia.

Before entering upon your duties, allow me to make a few suggestions in regard to the state of this great Commonwealth for which you are about to frame organic laws. You are about to adjust the relation of the State



to other States, so that it may be presently restored to the Union—redeemed, regenerated, and disenthralled, by the spirit of universal emancipation—never again to shoot madly from its orbit, but to move in harmony with the other States that compose our Republic, through all the coming ages.

The first subject that will engage your attention is one of great moment. The questions which belong to what may be called the Science of Political Economy, are always surrounded with difficulties. To provide for the wants of a great community; to regulate the supply and demand for the people of a State; to frame measures of Legislation so as to relieve the pressing wants of the agricultural and commercial classes, so as to render them at the same time safe and beneficent, requires wisdom and a large acquaintance with the wants of society, even in the midst of ordinary circumstances. But especially at this time, when the people of Georgia have undergone a series of trying events, it is a difficult task to agree upon plans for their relief. *Relief must be had.* The whole condition of things is changed. A wealthy agricultural people, who lately enjoyed the highest prosperity, are now reduced to a condition of comparative poverty. The system of domestic industry has undergone a complete change. Many who lately enjoyed affluence, who had invested their capital in lands, and who controlled at the same time the labor that made them yield their most valuable products, find themselves, to-day unable to meet the obligations incurred in days of prosperity. Some of that class of our people cheerfully undertook to conduct plantations under the new order of things, so as to meet all the claims upon them faithfully, fairly and honestly. But they have not met the success



they anticipated. The low price of cotton has not enabled them to meet their engagements. They are oppressed with debts that they find it impossible at this time to discharge. Agriculture is the source of all wealth. When it prospers, all demands of wealth abound; when it languishes, every interest in the country shares the depression. The commercial condition of our people is as much depressed to-day as the agricultural. Our merchants were hopeful, and they purchased goods, with the reasonable expectation of supplying the wants of the planters and others, to the advantage of all parties. They were enterprising, energetic men, and deserve to succeed. But we witness the extraordinary spectacle of a general depression in all the departments of business, at a time when a large cotton crop is in the market. I shall not undertake to enter upon a discussion of the causes that have produced this state of things. I only wish to bring to your attention the fact that the condition of our people, of all classes, demands from this body some measures of relief. Your wisdom will doubtless enable you to provide means for the accomplishment of this object. I must not take leave of this subject without expressing my own settled conviction that nothing can be done to restore real prosperity until the plan of Reconstruction is accomplished, and this great Commonwealth once more takes its place in the Union and seeks protection under the aegis of the Republic. Then will capital flow into our midst; then will our population increase; then will the channels of commerce be opened, and wealth will roll through them. Let us hope the day is not distant when we shall witness that glorious consummation.

It is proper, too, gentlemen, that you should direct your attention to the preparation of means to secure, for



all classes of our people, the benefits of education. This is essential to our happiness and prosperity. You cannot be too liberal in devising plans to secure the existence of Common Schools throughout the entire State. The waters of life should be open to all. It was estimated, some few years since, that the State of Massachusetts alone expended more money for the promotion of education than the British Empire. The world has witnessed the result of that wise outlay. Never was there an investment that repaid so richly. Not only have the people been enlightened, but the State has been enriched. Devise liberally, gentlemen; mature a system so comprehensive as to embrace all our people, and lay the foundation deep to support it.

Nor should you overlook the wants of the scholar in the higher departments of learning. The University and the Common Schools help each other. There need be no rivalry between them. There is a generous sympathy between scholars of every degree. Science requires the existence of these establishments where years are devoted to the study of its several branches. But first and foremost, take care to secure the continued existence of your Common Schools, from the mountains to the seaboard.

In all that we do here, gentlemen, let us remember that we owe a duty to our country, to ourselves, and to Christian civilization. The task upon which we are about to enter is a noble one. We enter upon it, I trust, in the right spirit. We bring no resentments with us; we have no wrongs to avenge—no enemies to punish. Friends of the human race, we shall seek to lay the foundation of a structure which shall attest that we are not unworthy to frame the organic law of Georgia, whose



motto is, "Wisdom, Justice and Moderation." We shall hope to be guided by Him who rules the Universe, and who, while He preserves the planets in their sweep through the vast regions of space, cares even for the sparrow that seeks its feed from His hand, in the winter's storm.

Some have assailed us with taunts and jeers; others greet us with cheering smiles. It is too true that some of these who were most active in bringing upon the country the troubles from which it is just emerging, have not been able to take a comprehensive view of the present state of public affairs; they can not emancipate themselves from their prejudices. But we can not stay to quarrel with such men. They may stand and rail at us, and strive to distract us from our patriotic labors; but we are engaged in a great work, and can not go down to them—we are building up the walls of a great State.

Some have expressed apprehension of a war between the races that inhabit these Southern States. We do not share their anxiety. We are living under a Christian civilization that breathes its beneficent counsels into our hearts. It is all important that the two races shall live in harmony, and go on in a career of happiness and prosperity, side by side. There must be no conflict between capital and labor; the land owners and the laborers should be friends; they must strive to advance the interest of each other. Let no prescriptive spirit sway our counsels or dictate our measures. We must be wise—we must be just—we must let our moderation be seen in all that we do.

Gentlemen, I will no longer detain you from your duties. Citizens of a great State, we seek to restore its



relations to the Union. It will henceforth be a Free State—it will forever be a member of the American Union.

The roll was called, and one hundred and forty members answered to their names.

Mr. Campbell introduced the following:

RESOLVED, That persons not members of this Convention retire beyond the bar of the Convention, and that the Convention proceed to vote, by ballot, for permanent officers.

RESOLVED, That all aspirants for the office of President send in their names to the desk, and that all such be requested to define their position on the subject of Relief and Suffrage.

Mr. Akerman moved to lay the Resolutions on the table, which motion was carried.

The Resolution offered by Mr. Akerman on yesterday was taken up, read and passed, as follows:

RESOLVED, That the roll of delegates be called immediately, and that the members present vote *viva voce* for permanent President of the Convention, and that the person having the majority of votes be elected.

Mr. Caldwell nominated Hon. J. R. Parrott for President.

Hon. J. L. Dunning was also nominated for the same office.



On the first ballot Hon. J. R. Parrott received 103 votes, Hon. J. L. Dunning 46, and Hon. David Irwin 2.

On motion the election of Col. Parrott was made unanimous, and he was declared to be permanent President of the Convention.

Mr Blount moved that a Committee of three be appointed to conduct Mr. Parrott to the Chair. The motion was carried, and Messrs. Blount, Ashburn, and Miller were appointed on that Committee.

On taking the Chair, Mr. Parrott addressed the Convention as Follows:

*Gentlemen of the Convention:*

It is with sentiments of profound gratitude that I accept the honor which you have conferred upon me, and I may add, with sentiments of much embarrassment that I enter upon the important duties to which you have assigned me; but impressed with the honesty and purity of my motives, and believing that I shall be sustained by your kindness, your forbearance, and your charity, even with the slightest experience in the discharge of the duties of such bodies as this, I have no misgivings as to the faithful performance of the duties of this important trust.

This, my fellow-countrymen, is perhaps one of the most important eras that has ever marked the history of Georgia. We have assembled for the purpose of making fundamental law for the government of our fellow-countrymen and ourselves, and for the discharge of a great and important trust. It is now to be determined



whether we have honesty, integrity and ability sufficient to perform this trust. It is a matter of the utmost importance that our work shall be done well, because as the telegraph shall flash the tidings throughout the length and breadth of our great country, it will gladden every patriotic heart to know that liberty still lives in our grand old Commonwealth.

All parties are looking with intense anxiety to our deliberations; the enemies of this Convention are watching with envious eyes to see whether we shall be able to meet public expectation, and to form a Constitution which shall be for the benefit of ourselves, our State, and the whole country; and if there is one single seam in our harness the enemy's dagger will be ready to find it, and stab us to the heart; but if we can so manage our affairs so as to conform to the glorious motto of our State in better days, before war had ever desolated our homes and slain our sons; if we shall be guided by Wisdom, Justice and Moderation, we shall have nothing to fear. All will be well.

The Republican party of the nation is waiting with intense anxiety the movements of this body. Our friends will soon be able to determine whether we shall be a burden upon them, and give our enemies weapons with which to wage war upon them, or aid them in the great work of restoring our State to her place in the Union.

We should do no act that will tend to rend again the deep and ghastly wounds made by the late war, which have almost cicatrized, but we should pour upon them the soothing balm of forgetfulness and charity, so that they shall be healed and leave no scar. In looking over this body, and in recurring to the recent gloomy past, I



feel like one, who against his will, had been torn from his home and embarked upon an unseaworthy vessel and she swung from her moorings and launched upon a stormy sea, and rolled and dashed upon the billows for many dreary years, without compass or rudder, but now taken in tow by a magnificent ship, with her streamers flying and her canvass filled with steady winds, and the shore of my long lost land rising to my view in the distance, and I can cry home, almost home.

Many of us have come here from amongst a people who have spurned us and spit upon us, simply because we have advocated the settlement of the questions which have torn asunder the ties of friendship, and engendered the bitterest passions and prejudices amongst a war-ruined people. The bitter and proscriptive spirit manifested toward us by our neighbors, because we desire that our State shall be placed upon an equal footing with her sisters in the Union, should not influence our action, and we should not become maddened by passion and act foolishly because those opposed to us so act. We should form a State Government, for an unwilling people, based upon the soundest principles of justice and patriotism, and in governing them rescue human liberty from the grave, and prevent them from trampling us under foot.

When men are governed by their passions, they generally do wrong, hence the constant prayer of each delegate to this Convention should be that he may not be influenced by the loves and hates that must perish with the hour that gives them birth, but that he may have serenity of temper, cool courage, unshaken firmness, sound judgment, and pure patriotism, that his works may shine brighter as the years shall roll on. Let us so act that



when we return to those who have confided to us this great trust, they may well say: "Well done, *good* and *faithful* servants."

We find Georgia as the great Hollander found England in 1688. Let us, like him, call to our aid the wisest and best men in the land, not to build up a party or punish enemies, but to save the State. If we have amongst us a Halifax, a Burnett, a Danby, and a Nettingham, let us call them to our aid, and every interest will be fostered and every wound will be healed, and we shall make Georgia what William of Orange made England—the pride of all her sons.

In closing this extemporaneous address, let me assure you that the Convention *must* succeed in the accomplishment of the object for which it has been called, and to attain this glorious end, order *must* prevail in your deliberations, and you must confine your action to its proper sphere. Your presiding officer cannot preserve order without your hearty co-operation; therefore let me ask the aid of each of you in this work.

In closing these crude remarks, let me assure you that my earnest effort will be to treat all with the kindest courtesy and the strictest impartiality.

Mr. P. M. Sheibley, of Floyd, was elected Secretary, and Mr. A. E. Marshall, of Monroe, was elected assistant Secretary.

On motion the Convention adjourned till 10 o'clock tomorrow morning.



ATLANTA, GA., Wednesday, Dec. 11, 1867.

The Convention met at 10 o'clock a. m., and was opened with prayer by Rev. Mr. Prettyman.

The Journal of yesterday was read and approved.

M. J. Hinton was elected Sergeant-at-Arms; William H. DeLyon, Doorkeeper; T. G. Campbell, Jr., Messenger; and Rev. Wesley Prettyman, Chaplain.

Mr. Akerman offered the following:

*Resolved*, That in view of the afflicted condition of the people of Georgia, especially of the agricultural and laboring classes, which is greatly aggravated by the recent depression in the price of our principal exports, this Convention does respectfully, but most earnestly, request the Congress of the United States, as a measure of policy, conciliation, justice and humanity, to repeal the special tax on cotton; the repeal to operate on the crop of the year 1867.

*Resolved*, That the President of the Convention be directed to transmit copies of these Resolutions to the President of the Senate and Speaker of the House of Representatives of the United States, with a request that they be presented to these bodies.

Mr. Costin moved to take up the Resolutions. The motion was carried.

Mr. Richardson moved to lay them on the table. Carried.

Mr. Conley offered the following:

*Resolved*, That the Secretary of this Convention telegraph to the Provisional Governor of Georgia, request-



ing him to forward for the use of the Convention, two hundred copies of the pamphlet containing the proceedings of the Convention of 1865, including the Constitution as adopted in said Convention, if that number of copies are in his possession.

On motion the Resolution was taken up, and passed.

Mr. Costin offered the following:

*Resolved*, That the Messenger be authorized to furnish this Convention with water.

The Resolution was laid on the table.

Mr. Blount offered the following:

*Resolved*, That a Committee of three be appointed by the President, to draft Rules of Order for this Convention; and to have them printed for the use of said Convention as early as possible; and that the names of the delegates of the Convention be printed with the Rules.

On motion the Resolution was taken up, and adopted.

In pursuance of this Resolution, the President appointed Messrs. Blount, Waddell, and McCay.

Mr. Speer offered the following:

*Resolved*, That the Messenger be directed to furnish seats and desks on the floor of the Hall to all Reporters of the Press, and that all persons, except the officers of the Convention, be excluded from the main body of the Hall.

Mr. Hopkins offered the following as a substitute for the Resolution of Mr. Speer;

*Resolved*, That all Proprietors and Reporters of the



Press be allowed seats on this floor, provided they do not abuse the privilege.

Mr. Dunning offered the following as a substitute for the original of Mr. Speer and the substitute of Mr. Hopkins:

*Resolved*, That all *bona fide* representatives of the Press shall have and hold seats in this Convention, so long as they do not misrepresent the action of members, or the proceedings of this body.

The substitute of Mr. Dunning was adopted.

Mr. Hopkins offered the following:

*Resolved*, That General Pope, General Sibley, and all their staff officers, and Colonel Hulbert and his staff officers, be invited to seats on this floor.

On motion the Resolution was taken up, and adopted.

Mr. Bullock offered the following:

*Resolved*, That a Committee of seven be appointed by the President to wait on General Pope, Commanding the Third Military District, and inform him that, in obedience to General Order No. 89, this Convention is now assembled and organized, and invites his presence in the Convention at his pleasure.

The Resolution was taken up and adopted, and the President, in pursuance thereof, appointed Messrs. Bullock, Ashburn, Miller, Trammell, Costin, Whiteley, and Turner.

On motion the Convention adjourned till 10 o'clock a. m., tomorrow.



ATLANTA, GA., Thursday, Dec. 12, 1867.

The Convention met pursuant to adjournment.

Prayer by the Chaplain .

On motion of Mr. Waddell the call of the roll was dispensed with.

The Journal of yesterday was read.

Mr. Harris gave notice that he would move a reconsideration of so much of the Journal as relates to the action of the Convention on the Resolution of Mr. Akerman relative to the Cotton Tax.

Mr. Adkins gave notice that he would move to reconsider the action of the Convention on the Resolution inviting Governors and ex-Governors to seats in the Hall.

On motion of Mr. Akerman the Journal was amended so as to read in the words of his Resolution relative to the Cotton Tax.

On motion of Mr. Prince the name of Mr. Richardson was inserted in the Journal instead of that of Mr. Saffold on the motion to adjourn.

Mr. Harris then moved to reconsider the action of the Convention on the subject of the Cotton Tax.

Mr. Richardson moved to lay the motion on the table.

Mr. Safford rose to point of order on the proposition to lay the motion to reconsider on the table.

The President overruled the point of order, whereupon Mr. Safford appealed therefrom.



The decision of the President was sustained.

Upon the question of reconsideration the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Jones,
Alexander,	Linder,
Ashburn,	Maddox,
Bentley,	Moore,
Beaird,	Murphy,
Baldwin,	Noble,
Bryant,	Pope,
Bullock,	Prince,
Campbell,	Reynolds,
Casey,	Richardson,
Clift,	Rozar,
Chatters,	Sikes,
Claiborne,	Sherman,
Dunning,	Stewart,
Gilbert,	Supple,
Goulding,	Wallace,
Harris,	Welch,
Harrison,	Whitehead,
Joiner,	Woodey.

Those who voted in the negative, are Messrs.

Akerman,	Buchan,
Angier,	Burnett,
Bell,	Carson,
Bowden of Campbell,	Cameron,
Bowden of Monroe,	Catching,
Bowers,	Caldwell,
Blodgett,	Christian of Newton,
Bigby,	Christian of Early,
Blount,	Chambers,
Bracewell,	Cooper,
Bryson,	Cobb of Houston,
Bradley,	Cobb of Madison,



Costin,	Maull,
Conley,	Mathews,
Crane,	Martin of Calhoun,
Crawford,	Martin of Carroll,
Crumley,	Martin of Habersham,
Cutler,	McHan,
Davis,	McCay,
Dailey,	Minor,
Dews,	Miller,
Dunnegan,	McWhorter,
Edwards,	Moore of Pierce,
Ellington,	Moore of White,
Fields,	Neal,
Flynn,	Potts,
Fort,	Powell,
Foster of Morgan,	Roberts,
Foster of Paulding,	Robertson,
Glover,	Saffold,
Goodwin,	Saulter,
Gove,	Shields,
Griffin,	Seeley,
Harris of Newton,	Smith of Charlton,
Higbee,	Smith of Coweta,
Higden,	Smith of Thomas,
Hooks,	Speer,
Hotchkiss,	Shropshire,
Howe,	Shumate,
Houston,	Stanford,
Hudson,	Stanley,
Holcombe,	Strickland,
Hutchinson,	Trammell,
Jackson,	Trawick,
Jordan,	Turner,
Key,	Walton,
King,	Waddell,
Lee,	Wilbur,
Lott,	Whiteley,
Lumpkin,	Williams,
Marler,	Yates.



There are yeas 38; nays 102. So the motion to reconsider did not prevail.

Mr. Hopkins was excused from voting on the foregoing proposition.

The motion of Mr. Adkins to reconsider the action of the Convention on the Resolution tendering seats in the Hall to the Governors and ex-Governors, was taken up and lost.

Mr. Bullock offered the following Ordinance, which, on motion was taken up, to-wit:

WHEREAS, The question of affording some relief to the people of Georgia from the burden of indebtedness which is now oppressing them, is likely to be acted upon by this Convention at some future day; And, whereas, large amounts of property are now levied on, and about to be sacrificed at Sheriff's sales; And, whereas, the debtors in such cases should be entitled to the benefits which may be conferred on other debtors by the future action of this Convention. Therefore,

*Be it Ordained by the people of Georgia in Convention assembled, and it is hereby Ordained by authority of the same, That from and after the passage of this Ordinance, all levies, which have been, or may be made under execution issued from any Court of this State, shall be suspended until this Convention shall have taken, or shall have refused to take, final action on the matter of Relief, and that all sales under execution in violation of this Ordinance shall be null, void, and of no effect.*

Mr. Akerman offered to amend by adding "except in cases where levies and sales are authorized by the Act



of the General Assembly, passed in December, 1866," and moved that the Ordinance and amendment be made the special order for Monday next.

Mr. Hotchkiss offered a substitute for the Ordinance and amendment.

Mr. Richardson called for the previous question, which was sustained.

The main question was then put, and the Ordinance of Mr. Bullock passed without amendment.

Mr. Blount, Chairman of the Committee on Rules, made the following report, which was taken up and read, to-wit:

#### RULES OF THE CONVENTION.

1st. The President having taken the Chair, the Convention shall be opened with prayer. A quorum being present (to ascertain which the President may order the roll to be called, which shall otherwise be omitted) the Journal of the preceding day shall be read; immediately after which, it shall be in the power of any delegate to move for reconsideration of any matter therein contained (provided such delegate, at the time of reading such matter, shall notify the Convention of his intention to move such reconsideration), except such matter as has been heretofore reconsidered.

2d. Every Ordinance or Resolution having been passed or lost, and again reconsidered, shall immediately thereafter be taken up and finally disposed of in the order wherein the same shall have been reconsidered, unless otherwise directed by the Convention.

3d. No delegate shall interrupt the business of the



Convention, by conversation or otherwise, while the Journal or public papers are being read, or when any delegate is speaking in debate.

4th. When any delegate is about to speak or deliver any matter in the Convention, he shall rise from his seat and address himself to the Chair; he shall confine himself to the question under consideration, and at all times avoid personality.

5th. No delegate shall speak more than twice in any one debate on the same day, without leave of the Convention.

6th. When two delegates rise to speak, the first that rises shall be first in order, which shall be determined by the President.

7th. No motion shall be put or debated until the same be seconded.

8th. When a motion is made and seconded, it shall be reduced to writing, when required by the President or any delegate, delivered in at the table, and read, before the same shall be debated.

9th. When a question is before the Convention, no motion shall be received but to adjourn; to lie on the table, which is not debatable; to postpone indefinitely, which is debatable; to postpone to a certain day during the session of the Convention; to refer; to amend, which several motions shall have precedence in the order they stand here arranged. The motion for adjournment shall always be in order, and decided without debate; but the motion for adjournment a second time shall be out of order until some action is taken by the Convention, after the rejection of the former motion to adjourn.



10th. The previous question being moved and seconded by a majority, the question from the Chair shall be: "Shall the main question now be put?" and if the yeas prevail, the question shall then be put.

11th. If a question in debate contains several points, any delegate may have the same divided.

12th. When the yeas and nays are called by one-fifth of the delegates, each delegate called upon shall (unless excused) declare openly, and without debate, his yea or nay to the question; and upon the call of the House, the delegates shall be taken by their names, in alphabetical order, and no delegate shall be allowed to change his vote, after the result has been pronounced by the Chair, unless by consent of the Convention.

13th. When a delegate wishes to introduce an Ordinance, he shall rise from his seat, address the Chair, read the caption, and report the same instanter; and these reports, in point of order, shall hold the place of reports from Committees; but all Resolutions expressing the opinion of the Convention shall lie at least one day on the table, unless otherwise ordered by a majority of the Convention.

14th. No Ordinance shall be committed until it shall have been twice read, after which it may be referred to a Committee.

15th. When a delegate is called to order, he shall take his seat until the President shall have determined whether he is in order or not, without debate, and if there is a doubt in his mind, he may call for the sense of the Convention; but any delegate, being dissatisfied with the decision of the Chair, may appeal therefrom to the Convention.



16th. If a delegate be called to order for words spoken, the exceptional words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

17th. When a blank is to be filled, and different sums and different days are proposed, the question shall be taken on the highest sum and most distant day first.

18th. All petitions or memorials shall be numbered as they are received, and taken up and decided in the same order as they were received.

19th. No delegate shall absent himself from the service of the Convention without leave first obtained; and in case a less number than a quorum of the Convention shall convene, they are hereby authorized to send the Sergeant-at-Arms for any and all absent delegates, as a majority of such delegates present shall agree, at the expense of such absent delegates respectively, unless such excuse for non-attendance shall be made as the Convention, when a quorum is convened, shall judge sufficient.

20th. No delegate shall leave his seat after adjournment until the President shall have left the Chair.

21st. The following shall be the Standing Committees of the Convention, and appointed by the President: Committee on Privileges and Elections; on Petitions; on Enrollment; on Journals. Also the following Committees, consisting each of seven members, for the purpose of preparing a Constitution; on Bill of Rights; on Franchise; on Legislative Department; on Executive Department; on Judiciary Department; on Education; on Militia; on Relief. And there shall be a Committee,



consisting of the Chairman of preceding Committees, on Revision or Consolidation, and the President of the Convention shall designate the Chairman of the last named Committee; a Committee on Printing, and an Auditing Committee; and no addition shall be made to the Standing Committees of the Convention except by a majority vote of the Convention; and a minority of any Committee shall have the right to report, provided the majority shall fail to do so within a week after reference, unless upon good reason shown.

22nd. The unfinished business in which the Convention was engaged at the last preceding adjournment shall have precedence in the order of the day.

23rd. No standing Rule of the Convention shall be altered without one day's notice being given expressing the intended alteration; nor shall any Rule of the Convention be suspended except by a vote of two thirds of the delegates present.

24th. The President may at any time call a delegate to the Chair to preside over its deliberations. In case of indisposition or absence of the President, the Convention may elect a temporary Chairman.

25th. All Ordinances read a second time, and referred to a Committee of the Whole, shall, unless otherwise ordered by the Convention be taken up as reports of the Committee.

26th. Cushing's Manual shall be authority on all questions not provided for and not in conflict with the foregoing Rules, as far as applicable.



## ORDER OF THE DAY.

I. Unfinished Business of the last adjournment.

II. The Roll shall be called alphabetically for the introduction of New Matter.

III. Reports of the Committee on the Whole.

IV. Ordinances of a third reading.

V. Ordinances of a second reading.

Mr. Bradley moved to strike out Rule third. The motion prevailed.

On motion of Mr. Akerman the blank was filled by the following, to-wit: "No delegate shall interrupt the business of the Convention, by conversation or otherwise, while the Journal or public papers are being read, or when any delegate is speaking in debate."

Mr. Akerman moved to amend the ninth Rule by adding after the word "table," in the second line, the words "which is not debatable;" also, to amend the parenthetical clause of said Rule by striking out the last line and inserting "until some action is taken by the Convention after the rejection of the former motion to adjourn." The amendments were adopted.

Mr. Conley moved to amend the tenth Rule by striking out the word "majority" and inserting "one-fifth." The motion was lost.

On motion of Mr. Akerman the twelfth Rule was amended by striking out the word "same" and inserting in lieu thereof the word "result."

Rule thirteenth was amended, on motion Mr. Aker-



man, by striking out the words "on leave" from the third line.

Mr. Hopkins moved to amend the fourteenth Rule by striking out the word "twice" and inserting the word "once." Motion lost.

Mr. Conley moved to amend the twentieth section by striking out the word "room" and inserting the word "chair." Adopted.

Mr. Bradley moved to amend the eighteenth section by striking out all after the word "memorials" and inserting in lieu thereof the words "shall be referred to appropriate Committees." The motion was lost.

Mr. Caldwell moved to amend the twenty-first Rule by striking out all after the word "Journals" to the words "On Printing," and inserting in lieu thereof the words, "also, the following Committees, consisting of seven members each, for the purpose of preparing a Constitution, to-wit: on Bill of Rights; on Franchise; on Legislative Department; on Executive Department; on Judiciary Department; on Education; on Militia; on Relief. And there shall be a Committee, consisting of the Chairman of the preceding Committee, on Revision or Consolidation, and the President of the Convention shall designate the Chairman of the last named Committee."

Mr. Safford offered the following as a substitute for the amendment proposed by Mr. Caldwell, to-wit: "There shall be a Committee on Election, on Enrollment, on Journals, on Pay and Mileage, on Printing, on Auditing of Accounts, to consist of five each; and a Committee on the Constitution, to consist of one from each Judicial



District," which substitute was, on motion of Mr. Bryant, laid on the table.

Mr. Bradley moved to strike out all of the twenty-first Rule, which motion was lost.

The previous question was called and sustained. The main question was put and the amendment offered by Mr. Caldwell adopted without amendment.

Mr. Bullock, from the Special Committee appointed to wait upon General Pope, and inform him of the organization of the Convention, offered the following report, which was, on motion, taken up, read, and received, to-wit:

The Committee of Seven, appointed to wait upon General Pope, respectfully report that they have performed that duty.

General Pope desired us to convey to the Convention an expression of his appreciation of the honor conferred on him by this body, inviting his presence, and will, at an early day, avail himself of the privilege.

He congratulates the people of the State upon the progress that has been made toward reconstruction, by a harmonious organization of the Convention.

The Committee extended through General Pope an invitation to his staff, to General Sibley and staff, to General Swayne and staff, and to Colonel Hulbert and staff, to visit the Convention at their pleasure.

All of which is respectfully submitted.

R. B. BULLOCK, *Chairman*.



The twenty-first Rule was, on motion, amended by striking out the word "two-thirds" and inserting in lieu thereof the words "a majority."

On motion of Mr. Akerman the President was requested to appoint the Chairman of the Committee on Revision.

On motion of Mr. Hopkins the twenty-fourth Rule was amended by striking out all after the word "deliberation."

The same was further amended, on motion of Mr. Bradley, by adding thereto the following: "That in case of indisposition or absence of the President the Convention may appoint a President *pro tem*."

The twenty-sixth Rule was, on motion, amended by inserting the words "for" and "in" the words "when not." It was further amended by striking out the word "Jefferson's" and inserting in lieu thereof the word "Cushing's."

On motion of Mr. Marler the report, as amended, was adopted.

On motion of Mr. Whiteley it was ordered that a list of Delegates, with their Counties and Districts, be printed with the Rules of the Convention.

Mr. Jordan offered the following Resolution, which was taken up, read, and agreed to, to-wit:

*Resolved*, That all Ordinances and Resolutions shall be signed by the President and attested by the Secretary, which shall be sufficient authenticity.

On motion of Mr. Speer two hundred copies of the



Rules were ordered to be printed, for the use of the Convention.

Mr. Hopkins offered an Ordinance for the relief of the incorporated Banks and Banking Institutions of the State of Georgia and the stockholders thereof, which was read the first time.

The Convention on motion, then adjourned until tomorrow morning 10 o'clock.

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ATLANTA, GA., Friday, Dec. 13, 1867.

The Convention met pursuant to adjournment, the President in the Chair.

After prayer by the Chaplain, the Secretary proceeded to read the Journal.

Mr. Holcombe gave notice that he would, at the proper time, move to reconsider the Ordinance passed on yesterday, relating to temporary relief.

Mr. Akerman gave similar notice.

Mr. McCay gave notice that he would move to reconsider the twenty-first Rule, adopted on yesterday.

Mr. Trammell gave similar notice.

Mr. Bryant moved to correct so much of the Journal of yesterday as refers to the twenty-first rule; which Rule was amended by striking out all after the word "Journals" and before the words "on Finance," and inserting in lieu thereof the amendment offered by Mr. Caldwell; also by striking out the words "relief on suffrage," which motion was adopted.



Mr. McCay moved to correct so much of the Journal as refers to the decision of the President and appeal of Mr. Saffold: the fact being the President decided the motion of Mr. Richardson to be in order; Mr. Saffold appealed from the decision, and upon the appeal the President was sustained—which motion for the correction of the Journal was adopted.

Mr. Bradley moved for a correction of that part of the Journal relating to his motion with reference to the twenty-first Rule, which was to strike out the rule and insert in lieu thereof the amendment offered by Mr. Caldwell—which motion for correction was adopted.

Mr. Akerman moved to correct so much of the Journal as refers to the appointment of the Chairman of the Committee on Revision, by substituting the name of Mr. Ashburn in lieu of his—which motion was adopted.

Mr. Saffold moved to correct that part of the Journal referring to the call for the previous question upon the Ordinance granting temporary relief, by substituting the name of Mr. Blodgett in lieu of Mr. Richardson's which motion was adopted.

Mr. Dunning offered the following Resolution:

*Resolved*, That the Secretary be authorized and instructed to furnish the necessary stationery for the use of this Convention, and to employ a sufficient number of Clerks to insure a correct and full report of its proceedings.

Mr. Whiteley moved to amend by striking out the words "a sufficient number of Clerks," and inserting in lieu thereof the words "one Enrolling Clerk," which motion was accepted.



Mr. Waddell moved to amend by striking out the words "one Enrolling Clerk," and inserting in lieu thereof the words "a sufficient number of Clerks, not to exceed seven," which motion was adopted, and the Resolution as amended passed.

Mr. Akerman moved to reconsider the Ordinance passed on yesterday, granting temporary relief.

Mr. Bryant moved to lay the motion to reconsider on the table, which motion was withdrawn.

Mr. Martin called for the previous question upon the motion to reconsider, which call being sustained, Mr. Speer called for the yeas and nays, which were ordered with the following result:

Those who voted in the affirmative, are Messrs.

Akerman,	Cobb, of Madison,
Angier,	Crane,
Bell of Oglethorpe,	Crawford,
Bell of Banks,	Crumley,
Bowers,	Cutler,
Bigby,	Davis,
Blount,	Dews,
Bryson,	Dunnegan,
Cameron,	Ellington,
Hooks,	Fields,
Hudson,	Flynn,
Hutcheson,	Foster or Morgan,
Jordan,	Foster of Paulding,
Key,	Glover,
King,	Gove,
Lee,	Griffin,
Linder,	Harrison of Carroll,
Lott,	Higden,
Christian of Newton,	Hotchkiss,
Christian of Early,	Houston,



Holcombe,	Roberts,
Maddox,	Robertson,
Marler,	Saffold,
Martin of Carroll,	Shields,
Martin of Calhoun,	Smith of Thomas,
Martin of Habersham,	Speer,
McHan,	Shropshire,
McCay,	Stanford,
Minor,	Trammell,
Miller,	Whitehead of Butts,
McWhorter,	Yeates,
Powell,	

Those who voted in the negative, are Messrs.

Adkins,	Claiborne,
Alexander,	Chambers,
Anderson,	Cooper,
Ashburn,	Cobb of Houston,
Bedford,	Costin,
Bentley,	Conley,
Beaird,	Crayton,
Baldwin,	Daley,
Bowden of Campbell,	Dinkins,
Bowden of Monroe,	Dunning,
Blodgett,	Edwards,
Bryant,	Fort,
Bracewell,	Gibson,
Bradley,	Gilbert,
Buchan,	Goodwin,
Bullock,	Golden,
Burnett,	Guilford,
Campbell,	Harris of Chatham,
Carson,	Harris of Hancock,
Catching,	Hopkins,
Casey,	Howe,
Caldwell,	Jackson,
Clift,	Joiner,
Chatters,	Jones,



Knox,	Seeley,
Lumpkin,	Sherman,
Madden,	Smith of Clayton,
Maull,	Shumate,
Mathews,	Stewart,
Moore of White,	Supple,
Murphy,	Stanley,
Neal,	Stone,
Noble,	Strickland,
Palmer,	Trawick,
Pope,	Turner,
Potts,	Walton,
Prince,	Wallace,
Reynolds,	Welch,
Rice,	Wilbur,
Richardson,	Whitaker,
Rozar,	Whitehead of Burke,
Saulter,	Whiteley,
Sikes,	Williams.

There are yeas 64; nays 86. So the motion to reconsider was lost.

Mr. Foster moved to take up the Resolution having reference to the tax on cotton.

The Resolution was called for, and Mr. Whiteley offered the following as a substitute, which was accepted and adopted:

WHEREAS, The successful culture of cotton in Georgia is essential to the prosperity of the people and the full development of the material interests of the State; and, whereas, the encouragement given to its production abroad during the war has largely increased that production, which has, in connection with other causes, so reduced its value as to seriously endanger its continued cultivation as a leading staple by our people, Therefore,



*Resolved*, That the Convention do recommend the repeal of the Cotton Tax, and, if practicable, the application of the repeal to the present crop.

*Resolved*, That the Convention considers its repeal as essential to the continued successful cultivation of cotton, as the great staple of the country, and as a measure of relief to both agricultural, capital and labor.

*Resolved*, That the Convention having confidence in the honest desire of the Government of the United States, to aid in restoring the prosperity of the people of Georgia, and the development of all her material interests, do hereby request the President of the Convention to forward a certified copy of these Resolutions to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, with a request that they be presented at an early day to both Houses of Congress.

Mr. Trammell offered a Resolution that the delegates do then proceed to draw for seats, which was adopted.

The drawing having been completed, Mr. Blount moved to repeal it.

Mr. Bryant moved to lay the motion on the table, which motion prevailed.

Mr. Blodgett moved that when the Convention did adjourn that it would adjourn till 10 o'clock Monday morning, which was adopted.

Mr. Blodgett moved to suspend the Rule so as to allow Mr. Turner to introduce an Ordinance.

The Rule was not suspended.



On motion of Mr. Trammell the Convention then adjourned.

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ATLANTA, GA., Monday, Dec. 16, 1867.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

By order of the President, the Secretary proceeded to call the roll for the purpose of perfecting the same; after which the Journal was read.

The regular order being the call of the roll for the introduction of new matter, the Secretary proceeded therewith, when the following Ordinances and Resolutions were offered, to-wit:

By Mr. Adkins. A Resolution declaring all citizens, of whatever race or class, entitled to the same rights and privileges, unless disfranchised for crime or incapacitated by mental imbecility. Read the first time.

By Mr. Akerman (Mr. Shropshire in the Chair). A Resolution providing for a recess from the 19th instant until the 8th day of January next; declaring the members entitled to mileage to and from their homes, but not entitled to per diem compensation during the recess. Also, giving leave to the Standing Committees to sit during the recess, and to receive their per diem compensation for such days as they actually sit. Read the first time.

By Mr. Ashburn. An Ordinance in relation to vacating the civil offices of the State, or Territory of Georgia, and for other purposes therein named. Read the first time.



By Mr. Foster Blodgett. A Resolution declaring that the per diem and mileage of the members of this Convention be the same as paid to the members of the last General Assembly. Read the first time.

By Mr. Bigby. An Ordinance to extend the time of settlement by Tax Collectors with the Comptroller and Treasurer. Read the first time.

By Mr. Bradley. A Resolution declaring that no member of this Convention shall be called to account by another member for words used in debate, and providing that a violation of this rule shall be punished by the President's censure, or expulsion by the Convention. Read the first time.

By Mr. Campbell. An Ordinance declaring imprisonment for debt forever abolished in the State of Georgia. Read the first time.

By Mr. Davis. An Ordinance to afford permanent relief to the people of Georgia. Read the first time.

By Mr. Davis. An Ordinance suspending the collection of State and County taxes, for the present year, until the first day of April next, and for other purposes therein mentioned. Read the first time.

By Mr. Dunning: A resolution to prevent the sale of lottery tickets in the State of Georgia. Read the first time.

By Mr. Fort. An Ordinance exempting from levy and sale, under any execution, order, or decree from the courts of this State, or any officer thereof, the homesteads of citizens or heads of families, and for other purposes therein mentioned. Read the first time.



By Mr. Gibson. A Resolution directing the Secretary to furnish each of the members of this Convention fifteen copies of the *Daily New Era* each day during the session. Read the first time.

By Mr. Goodwin. An Ordinance to declare null and void an Act of the Legislature of the State of Georgia, entitled "An Act to change the name of Cass county, and for other purposes therein mentioned." approved December 6th, 1861, and for other purposes herein mentioned. Also, a substitute for the Ordinance of Mr. Ashburn, in relation to vacating the civil offices of this State; which substitute declares it to be the sense of this Convention that, under the reconstruction laws, it is the right and duty of this body not only to frame a Constitution, but also to frame a civil government; and to frame a civil government, it is the right and duty of this Convention to declare vacant all offices in the State, and either to fill the same by the action of the people here assembled, or by general election at the precincts of the State, as this body may deem best. Read the first time.

By Mr. Hopkins. An Ordinance to point out the mode of paying the fees, now allowed by law, of the Solicitor General of the Eastern Judicial Circuit of Georgia in certain cases, and for other purposes therein mentioned. Read the first time.

By Mr. Martin, of Habersham. An Ordinance to relieve the citizens of Habersham county from the payment of any county tax, for the present year, over and above the sum of fifty per cent. on the State tax. Read the first time.

By Mr. McCay. A Resolution for the appointment of a Committee to inquire into the powers of this Con-



vention to pass any Ordinance other than such as are necessary to the framing of a Constitution and civil government for the State. Read the first time.

By Mr. Richardson—A Resolution, as a substitute for the Resolution offered by Mr. Adkins, relative to distinctions of rights and privileges of citizens on account of class or race. Read the first time.

By Mr. Rozar: A Resolution of thanks to the United States Government for the unparalleled magnanimity bestowed upon this conquered people, and for other purposes therein mentioned. Read the first time.

By Mr. Saulter. An Ordinance to abolish the County Courts of this State. Read the first time.

By Mr. Speer. A Resolution fixing the hours for the daily meeting and adjournment of this Convention. Read the first time.

By Mr. Stanford: An Ordinance to adjust indebtedness created during the late war. Read the first time.

By Mr. Trawick. An Ordinance to extend the time for the Tax Collectors of the State of Georgia to settle their accounts with the Comptroller or State Treasurer. Read the first time.

By Mr. Turner. An Ordinance to prevent the levy or sale of property in this State under tax executions, and to grant further time for the collection of State and County taxes. Read the first time.

By Mr. Turner. A Resolution providing for the printing of two hundred copies of the Ordinance offered by Mr. Ashburn, "declaring all civil offices in this State



vacant," for the use of the members of the Convention, so soon as convenient. Read the first time.

By Mr. Whitehead. An Ordinance to allow each head of a family in the State of Georgia a homestead, and to prevent the levy and sale of the same under any circumstances. Read the first time.

On motion of Mr. Blount, the Rules were suspended, and the following Resolution taken up and read the second time, to-wit:

WHEREAS, Doubts have been expressed whether this Convention is authorized to transact any other business than to frame a Constitution and civil government for the State of Georgia, and such Ordinances as are necessary for the proper performance of that duty; and, whereas, the true powers of the Convention on the matter indicated ought to be distinctly defined—

*Resolved*, That the President appoint a Committee of Ten, who shall consider and report upon the question as soon as practicable.

Mr. Bradley moved the indefinite postponement of the Resolution, which motion did not prevail.

The Resolution was then agreed to.

On motion of Mr. Conley, the Rules were further suspended, and the following Resolution taken up and read the second time, to-wit:

*Resolved*, That, until otherwise ordered, the daily hour for the meeting of this Convention shall be 9 ½ o'clock a. m., and the hour of adjournment 2 o'clock p. m.

Mr. Bedford moved to strike out 2 and insert 1½, which motion was lost.



Mr. Bryant moved to amend by striking out 9½, and inserting 10. The motion prevailed, and the Resolution, as amended, was agreed to.

The following Standing Committees were announced by the President, to-wit:

ON PRIVILEGES AND ELECTIONS.

Messrs. L. N. Trammell, Foster Blodgett, A. J. Cameron, W. F. Jordan, B. F. Powell, Thomas Gibson, S. A. Cobb.

ON PETITIONS.

Messrs. Thomas P. Saffold, F. J. Speer, P. B. Bedford, J. R. Hudson, J. G. Maull, S. E. Field, Benjamin Dunnegan.

ON ENROLLMENT.

Messrs. W. A. Fort, H. H. Christian, Posey Maddox, E. J. Higbee, W. C. Smith, A. Bowden, Charles Hooks.

ON JOURNALS.

Messrs. W. H. Whiteley, J. H. King, S. Stanley, W. C. Carson, A. H. Harrison, J. C. Bowden, J. L. Cutler.

ON FINANCES.

Messrs. Wesley Shropshire, Joseph McWhorter, J. W. Christian, G. G. Wilbur, E. B. Martin, W. W. Dews.

ON PRINTING.

Messrs. A. L. Harris, F. J. Speer, J. L. Dunning, S. W. Beard, J. H. Flynn, J. W. T. Catching, J. D. Waddell.



## ON AUDITING.

Messrs. R. B. Bullock, Madison Bell, J. R. Bracewell, Walter L. Clift, S. T. Houston, W. T. Edwards, John T. Costin.

## ON BILL OF RIGHTS.

Messrs. G. W. Ashburn, C. D. Davis, W. T. Crane, W. L. Marler, A. G. Foster, C. H. Hopkins, L. L. Stanford.

## ON FRANCHISE.

Messrs. J. E. Bryant, Wesley Shropshire, N. L. Angier, P. B. Bedford, E. S. Cobb, Presley Yeates, J. L. Dunning.

## ON LEGISLATIVE DEPARTMENT.

Messrs. H. K. McCay, L. N. Trammell, J. E. Blount, H. V. M. Miller, Phillip Martin, C. C. Richardson, G. P. Burnett.

## ON EXECUTIVE DEPARTMENT.

Messrs. J. S. Bigby, A. T. Akerman, N. Griffin, H. G. Cole, J. L. Dunning, N. P. Hotchkiss, M. A. Potts.

## ON JUDICIARY DEPARTMENT.

Messrs. A. T. Akerman, J. D. Waddell, George P. Burnett, H. K. McCay, C. A. Ellington, R. H. Whiteley, A. L. Harris.

## ON EDUCATION.

Messrs. J. H. Caldwell, J. H. Flynn, O. H. Walton, Thomas Gilbert, J. W. Trawick, H. M. Turner, T. G. Campbell.



ON MILITIA.

Messrs. H. V. M. Miller, W. A. Fort, Foster Blodgett, J. W. Key, W. C. Lee, S. E. Cobb, Samuel Gove.

ON RELIEF.

Messrs. John Harris, W. W. Dews, W. L. Goodwin, W. H. Whitehead, T. P. Saffold, R. B. Bullock, A. T. Akerman.

ON REVISION.

Messrs. H. V. M. Miller, John Harris, G. W. Ashburn, A. T. Akerman, H. K. McCay, J. H. Caldwell, J. S. Bigby, J. E. Bryant.

On motion of Mr. Speer, three hundred copies of the Standing Committees were ordered to be printed for the use of the Convention.

Mr. Hudson moved that all Resolutions on the Secretary's table be referred to their appropriate Committees. The motion prevailed.

Mr. Angier offered a Resolution, instructing the Messenger to procure and put up shades to the windows on the east side of the Hall. On his motion the rules were suspended, when the Resolution was taken up and agreed to.

Mr. Akerman offered the following Resolution, which, on his motion, was taken up, to-wit:

*Resolved*, That the Post Office address, and the place of lodging in this city of each member of the Convention, be added to the list of delegates heretofore ordered to be printed with the Rules.



On motion of Mr. Bryant, the same was amended by adding, "and that the lists of Standing Committees be also printed with the Rules."

The Resolution, as amended, was agreed to.

Mr. Hopkins asked and obtained leave of absence for Mr. Roberts, on account of sickness in his family.

The President announced the following Special Committee appointed, under the Resolution offered by Mr. McCay, to inquire into the powers of this Convention, to-wit:

Messrs. H. K. McCay, Foster Blodgett, N. P. Hotchkiss, J. H. Caldwell, H. V. M. Miller, R. H. Whiteley, B. Conley, W. Shropshire, J. L. Dunning, A. T. Akerman.

On motion of Mr. Trammell, the Convention adjourned until 10 o'clock a. m., to-morrow.

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ATLANTA, GA., Tuesday, Dec. 17, 1867.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Harlan.

On motion of Mr. Foster the call of the roll was dispensed with.

The Secretary proceeded to read the Journal, which was on motion corrected by adding Mr. Waddell to the Committee on the Judiciary, and Mr. Stanford to the Committee on Bills of Rights.

Mr. Waddell offered the following Resolution, which, on his motion, was taken up, read, and agreed to, to-wit:



*Resolved*, That a seat in the Hall of the Convention be, and the same is hereby tendered, to the Hon. Joshua Hill, during his sojourn in the city.

Mr. McCay, from the Special Committee appointed to inquire in regard to the powers of the Convention, submitted the following report, which, on his motion, was taken up and read, to-wit:

The Committee appointed to consider and report upon the powers of the Convention in passing Ordinances not strictly incident to the framing of a Constitution and Civil Government for the State, report that the subject is a very difficult one, and demands further deliberation than they have been able to give it.

In view, however, of the pressing necessity that the Convention should devote as much time as possible to the great work which is clearly their leading duty, they recommend the adoption of the following resolution:

*Resolved*, That all Ordinances, or other matter of a legislative character, already introduced and pending, are hereby indefinitely postponed; and in future no Ordinance or other matter of said character, not necessarily connected with the fundamental law, shall be entertained by this Convention: Provided, That the foregoing shall not apply to matter touching the general relief of the people of the State.

Mr. Richardson moved to postpone the report until to-morrow.

Mr. Turner proposed to amend the motion of Mr. Richardson by requiring two hundred copies of the report printed for the use of the Convention.



The amendment of Mr. Turner was accepted by Mr. Richardson.

Mr. Turner then proposed to withdraw his amendment, but the same having been accepted, the President decided its withdrawal out of order.

On motion of Mr. Bryant the amendment of Mr. Turner was stricken out.

The question recurring upon the original motion of Mr. Richardson to postpone the report until to-morrow morning, the yeas and nays were required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,	Crumley,
Alexander,	Cotting,
Anderson,	Dinkins,
Ashburn,	Edwards,
Bedford,	Fort,
Bentley,	Gilbert,
Beaird,	Goodwin,
Baldwin,	Golden,
Bryant,	Guilford,
Bradley,	Harland,
Bullock,	Harrison of Hancock,
Burnett,	Higbee,
Campbell,	Hopkins,
Cameron,	Jackson,
Catching,	Joiner,
Casey,	Jones,
Caldwell,	Knox,
Clift,	Lee,
Chatters,	Linder,
Claiborne,	Lumpkin,
Chambers,	Madden,
Costin,	Maddox,



MauU,	Seeley,
Minor,	Sherman,
Moore of Columbia,	Stewart,
Murphy,	Supple,
Neal,	Stone,
Noble,	Strickland,
Palmer,	Turner,
Pope,	Walton,
Prince,	Wallace,
Reynolds,	Welch,
Rice,	Whitaker,
Richardson,	Whitehead of Burke,
Rozar,	Whitehead of Butts,
Sikes,	Yeates.
Shields,	

Those who voted in the negative, are Messrs.

Akerman,	Fields,
Angier,	Flynn,
Bell of Oglethorpe,	Foster of Morgan,
Bowden of Campbell,	Foster of Paulding,
Brown,	Gibson,
Bracewell,	Glover,
Bryson,	Gove,
Buchan,	Griffin,
Carson,	Harris of Newton,
Christian of Newton,	Higden,
Christian of Early	Hotchkiss,
Cooper,	Houston,
Cobb of Madison,	Holcombe,
Conley,	Hooks,
Crane,	Howe,
Crawford,	Hudson,
Cutler,	Hutcheson,
Davis,	Jordan,
Dews,	Key,
Dunning,	King,
Dunnegan,	Lott,
Ellington,	Marler,



Martin of Carroll,	Smith of Coweta,
Martin of Calhoun,	Smith of Thomas,
Martin of Habersham,	Speer,
McCay,	Shropshire,
Miller,	Shumate,
McWhorter,	Stanford,
Moore of White,	Stanley,
Potts,	Trammell,
Powell,	Trawick,
Robertson,	Waddell,
Saffold,	Wilbur,
Saulter,	Whiteley,
Smith of Charlton,	Woodey.

There are yeas 73; nays 70. So the motion did not prevail.

Mr. Bradley then moved to lay the report on the table.

On this motion the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Caldwell,
Alexander,	Clift,
Anderson,	Chatters,
Ashburn,	Claiborne,
Bedford,	Chambers,
Bentley,	Cobb of Houston,
Beaird,	Costin,
Blodgett,	Conley,
Bryant,	Crayton,
Bradley,	Crumley,
Burnett,	Cotting,
Campbell,	Dinkins,
Cameron,	Edwards,
Catching,	Gilbert,
Casey,	Goodwin,



Golden,	Pope,
Guilford,	Prince,
Hall,	Reynolds,
Harland,	Rice,
Harrison of Hancock,	Richardson,
Higbee,	Rozar,
Hopkins,	Sikes,
Howe,	Shields,
Jackson,	Seeley,
Joiner,	Sherman,
Jones,	Stewart,
Knox,	Supple,
Lane,	Stone,
Linder,	Strickland,
Lumpkin,	Turner,
Madden,	Walton,
Maddox,	Wallace,
Maull,	Welch,
Moore of Columbia,	Whitaker,
Murphy,	Whitehead of Burke,
Neal,	Williams,
Noble,	Yeates.
Palmer,	

Those who voted in the negative, are Messrs.

Akerman,	Carson,
Angier,	Christian of Newton,
Bell of Oglethorpe,	Christian of Early,
Bell of Banks,	Cobb of Madison,
Bowden of Campbell,	Cole,
Bowden of Monroe,	Crane,
Bowers,	Crawford,
Bigby,	Cutler,
Blount,	Davis,
Brown,	Dews,
Bracewell,	Dunning,
Bryson,	Dunnegan,
Buchan,	Ellington,



Fields,	Martin of Habersham,
Flynn,	McCay,
Fort,	Minor,
Foster of Morgan,	Miller,
Foster of Paulding,	McWhorter,
Gibson,	Moore of White,
Glover,	Potts,
Gove,	Powell,
Griffin,	Robertson,
Harris of Newton,	Saffold,
Harrison of Carroll,	Saulter,
Higden,	Smith of Charlton,
Hotchkiss,	Smith of Coweta,
Houston,	Smith of Thomas,
Holcombe,	Speer,
Hooks,	Shropshire,
Hudson,	Shumate,
Hutcheson,	Stanford,
Jordan,	Stanley,
Key,	Trammell,
King,	Trawick,
Lott,	Waddell,
Marler,	Wilbur,
Mathews,	Whitehead of Butts,
Martin of Carroll,	Whiteley,
Martin of Calhoun,	Woodey,

There are yeas 76; nays 78. So the motion to lay on the table did not prevail.

Mr. Trammell called the previous question, which was sustained.

The main question was then put, and the report adopted.

Mr. Ellington asked and obtained leave of absence for Mr. McHan on account of sickness.



Mr. Whitehead, of Butts, offered the following Resolution, which, on his motion, was taken up, to-wit:

*Be it Resolved*, That no person whose seat is contested in this Convention be allowed to vote, or introduce business for its consideration, till such time as the Committee on Privileges and Elections shall have passed upon the respective rights of said contestants.

*Be it further Resolved*, That said Committee do meet at its earliest convenience, and pass upon each place in dispute, so that those rightfully entitled may take their seats, and have a voice in the deliberations of this body. And to expedite said business, the Chairman of said Committee make known through the President of this Convention the time and place of said Committee's meeting to this Convention.

On motion of Mr. Blodgett the same was amended by striking out the whole of the first clause, when as amended, it was on motion of Mr. Trammell referred to the Committee on Privileges and Elections.

Mr. Caldwell moved a suspension of the Rules for the purpose of introducing new and important matter.

The motion failed to receive a vote of two-thirds, and was therefore lost.

The Secretary proceeded to the call of the roll for the introduction of new matter, when the following Resolutions and Ordinances were introduced, to-wit:

By Mr. Bell. A Resolution providing that the pay and mileage of members and officers of this Convention be the same as that paid to the members of the Convention of Georgia held in the year 1865. Read the first time.



By Mr. Bradley. An Ordinance to prevent common carriers in this State from making distinctions on account of race or color, except as therein provided, and for other purposes.

Mr. Whiteley rose to a point of order, assuming that the Ordinance was in conflict with the adopted report of the Special Committee appointed to inquire into the powers of this Convention.

Mr. Richardson called for the reading of the report involved in the point of order made.

The President overruled the objections to Mr. Whiteley, and on motion of Mr. Bradley the Ordinance was referred to the Committee on Franchise.

By Mr. Bell, of Oglethorpe. A Resolution providing for the election of officers of the Freedmen's Bureau, if the same shall be continued, and for other purposes therein named.

Ruled out of order by the President because in the nature of Legislative matter, and in conflict with the report of the Committee on the Powers of the Convention.

By Mr. Burnett. A Resolution declaring that in the judgment of this Convention the United States of America, together with the *so-called* State of Georgia, are now and ever have been regarded by the people of this State as being a Government whose territory was secured by the white man, whose laws were created by the white man, and over whose destinies the white man shall preside.

Mr. Richardson moved a suspension of the Rules for the purpose of expunging the Resolution from the Journal of the Convention.



Pending discussion on the motion to suspend the Rules, the mover of the Resolution asked leave to withdraw the same.

Objections were made to its withdrawal by several members, but the objections being overruled by the President, the Resolution was withdrawn.

By Mr. Caldwell. A petition designed for presentation to General Pope, asking the appointment of a Provisional Governor for the State of Georgia, and recommending for that appointment the Hon. R. B. Bullock, of Richmond county.

The same was read the first time, and the mover gave notice that after the regular order was disposed of he should move to take up the petition for final action.

By Mr. Davis. A Resolution declaring the sense of the Convention in regard to its powers. Read the first time.

By Mr. Dews. An Ordinance to secure a homestead to each family in Georgia. Read the first time.

By Mr. Edwards. A Resolution declaring that no member of the Convention shall speak longer than twenty minutes on any question unless permission be granted by two-thirds of the members present. Read the first time.

By Mr. Angier. An Ordinance for the relief of females, minors, idiots and lunatics. Read the first time.

By Mr. Gibson. A Resolution that the President appoint a Committee composed of one member from each Congressional District in this State, to confer with General Pope, and make up a list of such citizens of Georgia



as are in favor of reconstruction under the late acts of Congress; that said Committee be empowered to select two discreet persons and send them at once to the City of Washington, to urge upon Congress the propriety of relieving from the disabilities imposed by the requirements of the test oath such gentlemen as may be mentioned in said list. Read the first time.

By Mr. Goodwin. An Ordinance for the permanent relief of the people of Georgia. Read the first time.

By Mr. Gove: A Resolution instructing the Committee on Elections to inquire into the citizenship of such settling members of this Convention, if any shall be reported to them as not being citizens of Georgia, and for other purposes. Read the first time.

By Mr. Griffin. An Ordinance to protect the people of Georgia from fraud in the sale of spurious manures.

The same was ruled out of order by the President.

By Mr. Higbee. A Resolution requesting the Judiciary Committee to report an Ordinance to prevent the collection of county taxes upon State specific tax, and to refund the same if collected. Also, a Resolution recommending the curtailing of offices and retrenchment of salaries. Read the first time.

By Mr. Lee. A Resolution prohibiting the introduction of any Ordinance or Resolution referring to race or color. Read the first time.

By Mr. Martin of Calhoun. An Ordinance fixing the per diem and mileage of delegates to this Convention. Read the first time.

By Mr. Martin of Habersham. A Resolution contin-



uing the tenure of office until the ratification or rejection of the Constitution to be framed by this Convention. Also, an Ordinance to levy and collect a tax to defray the expenses of this Convention. Read the first time.

By Mr. Marler. A Resolution instructing the Committee on Finance to report an Article for the Constitution providing for the curtailment of expenses for the civil government. Read the first time.

By Mr. Prince. A Resolution excluding all measures in which the distinguishing words "white" or "colored" occur, or any other word or phrase used to distinguish any particular race. Also, a Resolution prescribing the per diem and mileage of members and officers of this Convention. Read the first time.

By Mr. Shropshire. An Ordinance to regulate and fix the salaries of officers of this State, and for other purposes. Read the first time.

By Mr. Smith of Coweta. An amendment to an Ordinance offered by Mr. Whitehead, of Butts, entitled "An Ordinance to give to each head of a family a homestead." Read the first time.

By Mr. Speer. An Ordinance for the relief of the people of this State. Read the first time.

By Mr. Stanford. An Ordinance creating certain liens. Ruled out of order by the President.

By Mr. Supple. A Resolution reducing the poll tax of Baldwin County. Ruled out of order by the President.

By Mr. Welch. An Ordinance to change the powers and jurisdiction of the County Judges of this State.



Read the first time and referred to the Judiciary Committee.

By Mr. Whitehead. A Resolution directing the Finance Committee in relation to public moneys and accounts. Also, an Ordinance relative to the Treasury of the Commonwealth of Georgia. Read the first time.

By Mr. Whiteley. A Resolution declaratory of the policy to be pursued by this Convention, and of the sense thereof as to qualifications for suffrage and office. Read the first time.

By Mr. Murphy. An Ordinance to allow each head of a family in Georgia a homestead. Read the first time.

By Mr. Turner. A Resolution requiring the Committee on the Executive Department to report an Article creating the office of Lieutenant Governor. Read the first time.

The following Ordinances were taken up for a second reading, and ruled out of order by the President, to-wit:

An Ordinance to point out the mode of payment of fees of Solicitor-Generals in this State.

An Ordinance exempting the people of Habersham County from the payment of certain taxes.

An Ordinance in relation to vacating the civil offices of the State of Georgia.

An Ordinance to annul an Act of the General Assembly of this State changing the name of Cass county, was ruled out of order by the President.

Mr. Conley appealed from the decision of the Chair, which decision was sustained.



The following Ordinances were read the second time and referred to the Committee on Relief, to-wit:

An Ordinance to extend the time for the Tax Collectors of the State of Georgia to settle their accounts with the Comptroller-General.

An Ordinance to adjust the indebtedness created during the late war.

An Ordinance exempting homesteads from levy and sale.

An Ordinance to suspend the collection of State and county taxes, for the present year, until the first of April next.

An Ordinance to afford permanent relief to the people of Georgia.

An Ordinance to prevent the levy and sale of property, and to grant further time for the collection of taxes.

An Ordinance to allow each head of a family in Georgia a homestead, and to prevent the levy and sale of the same under any circumstances, was read the second time, and referred to the Committee on Bill of Rights.

An Ordinance to abolish the County Courts of this State was read the second time and referred to the Judiciary Committee.

On motion of Mr. Bryant, the rules were suspended, and the following petition, offered by Mr. Caldwell, was taken up for final action, and read the second time, to-wit:

We, the representatives of the people of Georgia, assembled in Convention under the authority of the Con-



gress of the United States, with a desire to restore loyalty, harmony and tranquility among the people, and secure for our State her proper place in the Union, by representation in Congress, respectfully represent to the General commanding this District, that to insure these great blessings for ourselves and our posterity, it is essential that the officials who exercise the civil functions of the Provincial Government of the State of Georgia, as required by Congress, shall be loyal to the Government of the United States, and acceptable to the majority of the people of the State.

We, the representatives of that majority, are now striving to overcome the obstacles in the path of restoration to civil law, and therefore respectfully petition the General commanding this District, that a Provisional Governor be appointed who will assist in this great work, and do recommend for that appointment the Hon. R. B. Bullock, of Richmond county.

Pending discussion thereon, Mr. Bradley having the floor, the hour of adjournment arrived, and the President declared the Convention adjourned until 10 o'clock a. m. tomorrow.

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ATLANTA, GA., Wednesday, Dec. 18, 1867.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Caldwell.

The Journal was read by the Secretary, after which Mr. Bradley resumed the floor and addressed the Convention on the measure pending at the hour of adjourn-



ment, to-wit: The petition offered by Mr. Caldwell, asking of the General commanding this District the appointment of a Provisional Governor for Georgia who will assist in the work of reconstruction, and recommending for that appointment the Hon. R. B. Bullock, of Richmond county.

Mr. Saffold rose to a point of order, assuming that, as the measure under consideration had no reference to the formation of fundamental law, nor the general relief of the people of the State, was in conflict with the Resolution defining the powers of the Convention.

The President decided that the measure pending was not in the nature of legislative matter, and, therefore, in order.

Mr. Harris, of Newton, in the Chair, Mr. Parrott moved the postponement of the petition to the 8th day of January, next.

Mr. Bryant having the floor on this motion, Mr. Stanford rose to a point of order, stating that a motion to postpone to a certain day was not debatable.

The President resumed the Chair and overruled the point of order; whereupon Mr. Bryant proceeded with his address.

Mr. Caldwell gave notice that he desired to give such shape to the petition as would remove the objections of its opponents in the Convention; and, for this purpose, moved an adjournment, which motion was lost.

Mr. Blodgett called for the previous question, which was sustained.



The main question was then put, and upon this the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,	Griffin,
Barton,	Harland,
Bedford,	Harris of Newton,
Bell of Banks,	Higden,
Bowden of Campbell,	Hotchkiss,
Bowden of Monroe,	Holcombe,
Bowers,	Hooks,
Bigby,	Howe,
Blount,	Hudson,
Brown,	Hutcheson,
Bracewell,	Jordan,
Bryson,	Key,
Buchan,	King,
Burnett,	Knox,
Carson,	Lott,
Cameron,	Marler,
Christian of Newton,	Mathews,
Christian of Early,	Martin of Carroll,
Cooper,	Martin of Calhoun,
Cobb of Madison,	Martin of Habersham,
Cole,	McCay,
Crane,	Miller,
Crawford,	McWhorter,
Cutler,	Moore of White,
Davis,	Powell,
Dews,	Robertson,
Fields,	Saffold,
Flynn,	Saulter,
Fort,	Smith of Charlton,
Foster of Morgan,	Smith of Coweta,
Foster of Paulding,	Smith of Thomas,
Gilbert,	Speer,
Glover,	Shropshire,
Gove,	Shumate,



Stanford,	Waddell,
Stanley,	Whiteley,
Trammell,	Woodey.
Trawick,	

Those who voted in the negative, are Messrs.

Adkins,	Goodwin,
Alexander,	Golden,
Anderson,	Guilford,
Angier,	Harrison of Hancock,
Ashburn,	Higbee,
Bentley,	Hopkins,
Beaird,	Jackson,
Bell of Oglethorpe,	Joiner,
Blodgett,	Jones,
Bryant,	Lee,
Bradley,	Linder,
Campbell,	Lumpkin,
Catching,	Madden,
Casey,	Maddox,
Caldwell,	Maull,
Clift,	Minor,
Chatters,	Moore of Columbia,
Claiborne,	Murphy,
Chambers,	Neal,
Cobb of Houston,	Noble,
Costin,	Palmer,
Conley,	Pope,
Crayton,	Potts,
Crumley,	Prince,
Cotting,	Reynolds,
Daley,	Rice,
Dinkins,	Richardson,
Dunning,	Rozar,
Dunnegan,	Roberts,
Edwards,	Sikes,
Ellington,	Shields,
Gibson,	Seeley,



Sherman,	Wallace,
Stewart,	Welch,
Supple,	Whitaker,
Stone,	Whitehead of Burke,
Strickland,	Whitehead of Butts,
Turner,	Williams,
Walton,	Yeates.

There are yeas, 75; nays, 78. So the motion to postpone until the 8th day of January next was lost.

Mr. Caldwell called for a division of the question, so as to act first on the clause which petitions the General commanding this District to appoint a Provisional Governor, who will favor the work of reconstruction. Upon the adoption of this clause the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Caldwell,
Alexander,	Clift,
Anderson,	Christian of Newton,
Angier,	Chatters,
Ashburn,	Chambers,
Bentley,	Claiborne,
Beaird,	Cobb of Houston,
Baldwin,	Costin,
Bell of Oglethorpe,	Conley,
Bowden of Campbell,	Crane,
Blodgett,	Crayton,
Bryant,	Crumley,
Brown,	Cotting,
Bracewell,	Davis,
Bryson,	Daley,
Bradley,	Dinkins,
Campbell,	Dunning,
Carson,	Dunnegan,
Catching,	Edwards,
Casey,	Ellington,



Gibson,	Potts,
Gilbert,	Powell,
Glover,	Prince,
Goodwin,	Reynolds,
Golden,	Rice,
Guilford,	Richardson,
Harrison of Hancock,	Rozar,
Higbee,	Robertson,
Higden,	Sikes,
Hopkins,	Shields,
Jackson,	Seeley,
Joiner,	Sherman,
Jones,	Stewart,
Knox,	Supple,
Lee,	Stone,
Linder,	Strickland,
Lumpkin,	Turner,
Madden,	Walton,
Maddox,	Wallace,
Maull,	Welch,
Minor,	Whitaker,
Moore of White,	Whitehead of Burke,
Moore of Columbia,	Whitehead of Butts,
Murphy,	Whiteley,
Neal,	Williams,
Noble,	Woodey,
Palmer,	Yeates.
Pope,	

Those who voted in the negative, are Messrs.

Akerman,	Burnett,
Bedford,	Cameron,
Bell of Banks,	Christian of Early,
Bowden of Monroe,	Cooper,
Bowers,	Cobb of Madison,
Bigby,	Cole,
Blount,	Crawford,
Buchan,	Cutler,



Dews,	Marler,
Fields,	Mathews,
Flynn,	Martin of Carroll,
Fort,	Martin of Calhoun,
Foster of Morgan,	Martin of Habersham,
Foster of Paulding,	McCay,
Gove,	Miller,
Griffin,	McWhorter,
Harland,	Saffold,
Harris of Newton,	Saulter,
Harrison of Carroll,	Smith of Charlton,
Hotchkiss,	Smith of Coweta,
Houston,	Smith of Thomas,
Holcombe,	Speer,
Hooks,	Shropshire,
Howe,	Shumate,
Hudson,	Stanford,
Hutcheson,	Stanley,
Jordan,	Trammell,
Key,	Trawick,
King,	Waddell.
Lott,	

There are yeas, 95; nays, 59. So the first clause was adopted, and is as follows, to-wit:

We, the representatives of that majority, are now striving to overcome the obstacles in the path of restoration to civil law, and, therefore, respectfully petition the General commanding this District, that a Provisional Governor be appointed who will assist in this great work.

On motion of Mr. Blodgett, the Convention adjourned until 10 o'clock, tomorrow morning.



ATLANTA, GA., Thursday, Dec. 19, 1867

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read and the Convention proceeded to the consideration of the unfinished business of yesterday, to-wit: The last clause of the petition offered by Mr. Caldwell, relative to the appointment of a Provisional Governor of this State by the General commanding this District, which read as follows: "And do recommend for that appointment the Hon. R. B. Bullock, of Richmond county."

Mr. Akerman moved a suspension of the Rules for the purpose of taking up an Ordinance offered by Mr. Martin, of Habersham, providing for the collection of a tax to defray the expenses of this Convention. The motion was ruled out of order, the previous question having been called for and sustained yesterday, on the pending measure.

The yeas and nays were demanded on the adoption of the clause mentioned.

Those who voted in the affirmative, are Messrs.

Adkins,	Bracewell,
Alexander,	Bryson,
Anderson,	Bradley,
Ashburn,	Burnett,
Bentley,	Campbell,
Beaird,	Catching,
Baldwin,	Casey,
Bell of Oglethorpe,	Caldwell,
Blodgett,	Clift,
Bryant,	Chatters,



Claiborne,	Moore of Columbia,
Chambers,	Murphy,
Cobb of Houston,	Neal,
Costin,	Noble,
Conley,	Palmer,
Crayton,	Pope,
Crumley,	Potts,
Cotting,	Powell,
Davis,	Prince,
Daley,	Reynolds,
Dinkins,	Rice,
Dunnegan,	Richardson,
Edwards,	Rozar,
Ellington,	Sikes,
Gibson,	Shields,
Golden,	Seeley,
Guilford,	Sherman,
Harrison of Hancock,	Smith of Charlton,
Higbee,	Stewart,
Hopkins,	Supple,
Jackson,	Stone,
Joiner,	Strickland,
Jones,	Walton,
Knox,	Wallace,
Lee,	Welch,
Linder,	Whitaker,
Lumpkin,	Whitehead of Burke,
Madden,	Williams,
Maddox,	Woodey,
Maul,	Yeates.
Minor,	

Those who voted in the negative, are Messrs.

Akerman,	Bowers,
Angier,	Bigby,
Bedford,	Blount,
Bell of Banks,	Brown,
Bowden of Monroe,	Buchan,



Carson,	Jordan,
Christian of Newton,	Key,
Christian of Early,	King,
Cooper,	Lott,
Cobb of Madison,	Marler,
Crawford,	Mathews,
Dunning,	Martin of Calhoun,
Fields,	Martin of Carroll,
Flynn,	Martin of Habersham,
Foster of Morgan,	McCay,
Foster of Paulding,	Miller,
Gilbert,	McWhorter,
Gove,	Moore of White,
Griffin,	Robertson,
Harland,	Saffold,
Harris of Newton,	Saulter,
Harrison of Carroll,	Smith of Coweta,
Higden,	Speer,
Hotchkiss,	Shumate,
Houston,	Stanford,
Holcombe,	Stanley,
Hooks,	Trammell,
Howe,	Trawick,
Hudson,	Whiteley.
Hutcheson,	

*Excused*—Messrs. Cutler, Smith of Thomas, Turner, and Whitehead, of Butts.

There are yeas, 81; nays, 59. So the same was adopted.

Mr. Cutler asked to be excused from voting, expressing, as a reason for making the request, the opinion that the Convention was not convened for such a purpose as the petition under consideration proposed.

Mr. Smith, of Thomas, asked to be excused for the same reason. They were excused. Mr. Turner was, also, on his request.



Mr. Whitehead stated it was his opinion that the selection of an appointee devolved solely on the General commanding, and that it was not the province of this Convention to suggest the name of any one to him. At his request he was also excused from voting.

On motion of Mr. Gilbert, the rules were suspended, and the Hon. T. J. Bowen invited to a seat in the Convention. A similar invitation, on motion of Mr. Blodgett, was extended to the Hon. John Erskine.

Mr. Chatters moved a suspension of the Rules for the purpose of introducing an Ordinance to relieve certain delegates.

The motion prevailed, and Mr. Bryant offered as a substitute therefor the Ordinance offered by Mr. Martin, of Habersham, providing for the levy and collection of a tax to defray the expenses of the Convention.

Mr. Whiteley proposed to amend the substitute by requiring the Finance Committee to make immediate provisions for the payment of members up to the proposed recess, including mileage.

On motion of Mr. Waddell, the whole subject was referred to the Committee on Finance.

On motion of Mr. Speer, the Rules were suspended, and the following Resolution, offered by Mr. Blodgett, was taken up, to-wit:

*Resolved*, That the per diem and mileage of the Members and Officers of this Convention be the same as paid to the Members and Officers of the last General Assembly of this State.



Mr. Trammell moved to amend by inserting five dollars per diem.

Mr. Blount by inserting four dollars per diem.

Mr. Speer by inserting two dollars per diem.

Mr. Bryant by inserting twenty-five cents per diem.

Mr. Prince by inserting ten dollars per diem.

Mr. McCay by inserting six dollars per diem.

Mr. Bradley called for the previous question, which was sustained.

The main question was then put, and the Resolution adopted without amendment.

Mr. Trammell gave notice that he would move a reconsideration on tomorrow.

Mr. Harris of Newton, from the Committee on Relief, made the following report, to-wit:

The Committee on Relief, to whom was referred sundry Ordinances relating to tax payers and tax collectors, having had the subject under consideration, respectfully report: That, while they regret the circumstances which cause all public burdens to be severely felt by our people, they are obliged to recognize the necessity of supporting our civil government, and of promptly paying the interest of the public debt. They are assured that the people of Georgia are resolved to maintain the credit of the State at every inconvenience to themselves. Under present laws, the Governor has a discretion to suspend the collection of taxes for a limited time; and the Committee desire that this discretion be now exercised so as to accommodate the tax payer, if it can be



done without injury to public interests. They recommend the passage of the following Resolution:

*Resolved*, That the Convention request the Governor to exercise the power given him, by existing laws, to suspend the collection of taxes, if in his judgment, the same can be done without injuring the credit of the State.

Mr. Hopkins moved to lay the report on the table. The motion was lost, and the report was then adopted.

The following telegram from Governor Charles J. Jenkins, in response to a request of the Convention relative to the furnishing of certain books, was read:

MILLEDGEVILLE, December 18, 1867.

P. M. SHEIBLEY, *Secretary*:

The order has been issued to the Librarian. The books will be sent, if they be among the printed documents.

C. J. JENKINS.

The call of the roll for the introduction of new matter being next in order, was proceeded with.

By Mr. Miller.

*Resolved*, by the people of Georgia, in Convention assembled, That the administration of Brevet Major General Pope, commanding Third Military District, receives the cordial approval of this Convention; and we hereby tender to General Pope our hearty thanks for the wisdom, justice, and moderation with which he has exercised the vast powers conferred upon him by the authority of the Congress of the United States.



On motion of Mr. Miller, the Rules were suspended, the resolution taken up and unanimously adopted.

By Mr. Adkins. An Ordinance to secure impartial suffrage on the ratification of the Constitution of Georgia. Read the first time.

By Mr. Angier. An Ordinance changing the Senatorial Districts, and reducing the number of Senators and Representatives in the General Assembly of Georgia. Read the first time.

By Mr. Ashburn. Certain memorials, which, without being read, were, on his motion, referred to the Committee on Relief.

By Mr. Blodgett. An Ordinance for the relief of the people of Georgia. Read the first time.

By Mr. Blount. A Resolution instructing the Committee on "Privileges and Elections" to inquire in regard to the right of certain Delegates to hold their seats in the Convention. Read the first time.

By Mr. Bradley. An Ordinance providing for the election of Governor and other civil officers of this State, and for other purposes. Read the first time.

By Mr. Brown. A Resolution recommending an article for the Constitution, prohibiting the intermarriage of the white with the colored race. Read the first time.

By Mr. Bullock. A Resolution to add to the Committee on Relief Messrs. Hopkins, Blodgett and Hotchkiss.

On the proposition to suspend the Rules for the purpose of taking up the Resolution, Mr. McCay rose to a point of order under Rule 23, assuming that the adoption



of the pending Resolution would effect a change in Rule 21, and, therefore, before acting thereon, one day's notice was required.

The President sustained the point of order.

Mr. Bullock appealed therefrom, the decision was overruled, and the Resolution was adopted.

On the proposition to adopt the Resolution (Mr. Cotting in the Chair,) Mr. Edwards called for the previous question, which was sustained. The resolution was adopted.

The Rules were suspended, on motion of Mr. Whiteley, who offered the following:

WHEREAS, We are informed that Brevet Major Gen. Pope, commanding this District, intends to visit this body at or about 12 m., of this day—

*Resolved*, That a Committee of three be appointed to receive and conduct the General to the right of the President of the Convention and that he be requested to address the same.

On motion of Mr. Hopkins, the resolution was amended by adding, "and that, when he does come, he be cordially received." The resolution, as amended, was agreed to.

Under the foregoing Resolution, the President appointed Messrs. Whiteley, Blodgett, and Dews.

Mr. Shropshire, from the Committee on Finance, reported the following communication:



## HEADQUARTERS THIRD MILITARY DISTRICT,

(Georgia, Alabama, and Florida.)

ATLANTA, GA., Dec. 18, 1867.

*Hon. Wesley Shropshire, Chairman of the Committee of  
Finance of the Georgia Constitutional Convention:*

DEAR SIR: I have the honor to acknowledge the receipt of your communication of this date, in which you state that "the law under which the Constitutional Convention is ordered provides, among other things, that the Convention shall assess, and have collected, a tax upon the taxable property of the people of Georgia. to defray the expenses of the Convention. This will, perhaps, take six months. The pressing necessities of the Convention now require money to pay for stationery, fuel, and other things to meet the wants of the Convention. The Committee on Finance, therefore, were instructed to call upon you, to ascertain if you will pass an order that will authorize the State Treasurer to advance the amount necessary for the present wants of the Convention, until the amount, so advanced, can be collected under the law ordering the assembling of the Convention."

I answer to your inquiry, that I will authorize the Treasurer of the State of Georgia to advance the amount necessary to pay the expenses specified in your communication, not doubting that the Convention will, at the proper time, provide for the levy and collection of such taxes on the property in Georgia as may be necessary, to refund the State Treasury the amount so advanced. Respectfully, your obedient servant,

JOHN POPE,

*Brevet Major General U. S. A.*



Mr. Bryant offered the following Resolution, which, on motion, was taken up, read, and agreed to:

*Resolved*, That Hon. N. L. Angier be, and he is hereby appointed a Committee of one, to inquire into and make immediate report upon what provision can be made for the immediate payment of the members of the Convention, as well as to meet the expenses incidental to the holding of the same; and that he be empowered to visit the capital of the State, or other place therein, if necessary, to effect the end contemplated by this resolution.

Leave of absence was granted Messrs. Potts, Dews, Cameron, Cutler, McCay, Gibson, Gilford, and Martin, of Calhoun.

Mr. Caldwell presented a memorial from Benjamin F. Bigelow and E. Carter, contesting seats from the 38th and 39th Districts; also, an accompanying Resolution, which, on motion, were referred to the Committee on Privileges and Elections.

Mr. Edwards presented a notice from Mr. J. R. Griffin, informing the Convention that he contests the seat of Mr. Isaac Anderson, and asking action of the Committee on Privileges and Elections. Referred to said Committee.

Mr. Conley offered a Resolution, instructing the Secretary to purchase and place a clock in the Hall of the Convention. Read the first time.

The following Ordinances and resolutions were offered and read the first time, to-wit:

By Mr. Crawford. An Ordinance for the relief of creditors of this State.



By Mr. Gilbert. An Ordinance to abolish the Inferior Courts of this State.

By Mr. Higbee. An Ordinance to revoke certain decrees of Probate and other Courts in the State of Georgia.

By Mr. Jordan. A Resolution instructing the Committee on Bill of Rights to report an Ordinance exempting homesteads valued at \$2,500.

By Mr. Martin of Habersham. An Ordinance to limit the Legislature, and all other authorities, in their powers of taxation.

By Mr. Marler. A Resolution to petition Congress for the establishment of an Assayer's Office at Dahlonega, in this State.

By Mr. McCay. A Resolution proposing a prefix to the Constitution.

By Mr. Richardson. A Resolution, as a substitute for the Resolution of Mr. Blount, in regard to contested seats.

By Mr. Rozar: A Resolution exempting certain property of widows from taxation.

By Mr. Sherman. An Ordinance for the relief of the people of the State of Georgia.

By Mr. Speer. A Resolution requesting the President of the Convention to appoint a Committee, consisting of one from each Judicial Circuit, to arrange the Congressional Districts of this State. Also, a Resolution instructing the Committee on Privileges and Elections to inquire in regard to the citizenship of all the delegates of this Convention, and for other purposes therein mentioned.



By Mr. Stanford. An Ordinance conferring on the Legislature of this State authority to regulate and control the charges of all railroad and turnpike companies, and for other purposes therein mentioned.

By Mr. Turner: A Resolution requesting the Judiciary Committee to inquire into the expediency of investing the Legislature or Governor with the appointment of Judges of Supreme and Superior Courts.

By Mr. Welch. A Resolution to prevent duelling in this State.

Mr. Bryant gave notice that he would, on to-morrow, move to strike out the 4th and 5th Rules of the order of the day.

By Mr. Cotting. A Resolution to enlarge the duties of Grand Jurors. Read the first time and referred to the Judiciary Committee.

By Mr. Strickland. An Ordinance for the relief of tenants. Ruled out of order, because of the nature of Legislative matter.

By Mr. Edwards. A petition for the pardon of Jefferson Davis.

Mr. Hopkins moved a suspension of the Rules, and desired the unanimous adoption of the measure. The motion to suspend the Rules did not prevail.

By Mr. Murphy. A Resolution instructing the Secretary to transmit to the Commanding General of this District a copy of the proceedings of this body, in relation to the appointment of a Provisional Governor. The Rule was suspended and the Resolution adopted.



The following Resolution, offered by Mr. Rozar, was read the second time and adopted, to-wit:

*Resolved*, That, as an acknowledgement of the highest appreciation, this Convention tender thanks to the United States Government for the unparalleled magnanimity which has been bestowed upon this conquered people, and the great leniency given to a vanquished foe, and for the promotion of harmony, peace, and prosperity, and an *everlasting Union*. This manifestation of gratitude is made under a conviction that it is the voice of the people we have the honor to represent. Furthermore, for the philanthropic, humane, and beneficiary actions and general protection given to the entire populace (particularly that received from the department known as the Freedmen's Bureau), we must gratefully acknowledge; and from the most profound consideration, attribute such magnanimity, generosity, and leniency given to this people, as being the great blessings and benefits derived from a Republican Government.

The Resolution offered by Mr. Gibson, instructing the Secretary to furnish each member of the Convention, daily, fifteen copies of the *Daily New Era*, was, on motion of Mr. Blount, laid on the table.

The Ordinance offered by Mr. Campbell, to forever abolish imprisonment for debt in Georgia, was read the second time, and referred to the Committee on Bills of Rights.

The Resolution offered by Mr. Turner, providing for the printing of two hundred copies of Mr. Ashburn's Ordinance, "declaring all civil offices of this State vacant," was indefinitely postponed.



The Resolution of Mr. Richardson, declaring that, in the Constitution to be framed, all distinctions of race or color, as to the rights, privileges, and immunities of citizens, should be ignored, was read the second time and referred to the Committee on Bill of Rights.

The Resolution of Mr. Dunning, to prevent the sale of lottery tickets in the State of Georgia, was read the second time and referred to the Committee on Legislative Department.

The Resolution of Mr. Bradley, declaring that members shall not call each other to account, outside of the Convention, for words used in debate, was referred to the Committee on Privileges and Elections.

The Resolution of Mr. Akerman, on the subject of a recess from this instant until the 8th day of January next, was, on his motion, laid on the table.

The Resolution offered by Mr. Goodwin, of Bartow, as a substitute for the Resolution of Mr. Ashburn, declaring vacant the civil offices of Georgia, was read the second time and referred to the Committee on Franchise.

The Resolution of Mr. Adkins, declaring all citizens, without regard to race or color, entitled to the same rights and privileges, was referred to the Committee on Bill of Rights.

The Ordinance offered by Mr. Bigby, to extend the time of settlement by Tax Collectors with the Comptroller and Treasurer, was referred to the Committee on Relief.

A Resolution offered by Mr. Smith, of Coweta, inviting Judges of the Supreme Court of this State, and



Judges of the United States Courts in this State, to seats in the Convention, was referred to the Judiciary Committee.

The Convention then adjourned until 10 o'clock tomorrow morning

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ATLANTA, GA., Friday, Dec. 20, 1867.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Secretary proceeded to read the Journal of yesterday; whereupon Mr. Trammell gave notice that he would move the reconsideration of so much thereof as relates to the passage of an Ordinance to fix the per diem and mileage of members, and the per diem of officers of this Convention—which is as follows:

*Resolved*, That the per diem and mileage of members, and officers of this Convention be the same as paid to the members and officers of the last General Assembly of this State.

Mr. Prince moved to lay the proposition to reconsider on the table. This motion was withdrawn, by request, renewed, and again withdrawn, by permission.

Mr. Bedford called for the previous question. The call was sustained and the main question put; upon which the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,

Angier,



Bell of Banks,	Holcombe,
Bowers,	Hooks,
Bigby,	Hudson,
Blount,	Hutcheson,
Bracewell,	Key,
Bryson,	King,
Burnett,	Lee,
Carson,	Lott,
Caldwell,	Madden,
Cole,	Marler,
Crane,	Mathews,
Crawford,	Martin of Carroll,
Cotting,	Martin of Habersham,
Davis,	McCay,
Dunning,	Minor,
Dunnegan,	Miller,
Ellington,	McWhorter,
Fields,	Moore of White,
Flynn,	Rice,
Fort,	Saffold,
Foster of Morgan,	Smith of Thomas,
Foster of Paulding,	Shropshire,
Glover,	Shumate,
Goodwin,	Stanford,
Gove,	Trammell,
Griffin,	Turner,
Harland,	Waddell,
Harris of Newton,	Welch,
Harrison of Carroll,	Wilbur,
Hotchkiss,	Whiteley,
Houston,	Woodey.

Those who voted in the negative, are Messrs.

Adkins,	Bentley,
Alexander ,	Beaird,
Anderson,	Baldwin,
Ashburn,	Bell of Oglethorpe,
Bedford,	Bowden of Campbell,



Bowden of Monroe,	Knox,
Blodgett,	Linder,
Bryant,	Lumpkin,
Brown,	Maddox,
Bradley,	Maull,
Buchan,	Moore of Columbia,
Campbell,	Murphy,
Catching,	Noble,
Clift,	Palmer,
Christian of Newton,	Pope,
Christian of Early,	Prince,
Chatters,	Reynolds,
Claiborne,	Richardson,
Chambers,	Rozar,
Cooper,	Robertson,
Cobb of Houston,	Saulter,
Cobb of Madison,	Sikes,
Costin,	Shields,
Conley,	Seeley,
Crayton,	Sherman,
Crumley,	Smith of Charlton,
Daley,	Speer,
Dinkins,	Stewart,
Edwards,	Supple,
Gilbert,	Stanley,
Golden,	Stone,
Guilford,	Strickland,
Harris of Chatham,	Trawick,
Harrison of Hancock,	Walton,
Higbee,	Wallace,
Higden,	Whitaker,
Hopkins,	Whitehead of Burke,
Howe,	Whitehead of Butts,
Jackson,	Williams,
Joiner,	Yeates.
Jones,	

There are yeas 64; nays 81. So the motion to reconsider did not prevail.



Mr. Shropshire, from the Committee on Finance, reported the following Ordinance, which was, on motion, taken up, to-wit: "An Ordinance to levy and collect an extraordinary tax, to pay the delegates and officers connected with the Convention, as well as all other incidental expenses."

*Be it Ordained by the people of Georgia, in Convention assembled,* That it shall be the duty of the Comptroller General of the State of Georgia to levy and assess an extraordinary tax of one-sixteenth of one per cent. on all the taxable property of this State, as returned upon the digests for the year 1867, in addition to the State tax; and the Comptroller General shall direct and require the Tax Collectors in the several counties in this State to collect the tax so assessed, or so much thereof as will defray the expenses of this Convention, and pay the same into the Treasury of the State of Georgia on or before the first day of November, 1868.

*Be it further Ordained by the authority aforesaid,* That it shall be the duty of the Treasurer to pay each delegate and officer of the Convention the sum specified in a certificate of the Auditing Committee of this Convention, which shall be a voucher for the Treasurer of this State.

*Be it further, Ordained,* That the several Tax Collectors shall reserve the same per cent. for collecting the same as they now are allowed by law for collecting the State tax.

The report was amended, on motion of Mr. Blodgett, by striking out the word "extraordinary" wherever it occurred.

It was further amended, on motion of Mr. McCay, by



striking out all of the second section after the enacting clause, and inserting the following:

That the Treasurer of this State is hereby authorized and directed to advance to the disbursing officer of this Convention, out of the Treasury of this State, Forty Thousand Dollars, to defray the expenses of this Convention, and the pay and mileage of its members and officers up to the 23d day of December, 1867.

*Be it further Ordained*, That N. L. Angier is hereby appointed the Disbursing Officer of this Convention, and is authorized to receive and receipt for the sum aforesaid from the Treasurer, and to pay out the same on the warrant of the President of this Convention on the report of the Auditing Committee. The amount so advanced by the Treasurer shall be replaced from the proceeds of the tax ordained by this Convention to be assessed and collected for the expenses, pay, and mileage of the members and officers thereof.

Pending the motion to adopt the report of the Committee, as amended, Brevet Major-General John Pope, commanding the Third Military District, accompanied by a staff officer, was met at the door of the Hall by the Committee appointed to receive him, and conducted, amid applause, to the right of the President, and was welcomed by that officer as follows:

*Major-General John Pope:*

In the name and in behalf of the citizens of Georgia, in Convention assembled, I tender to you a cordial welcome to the Hall of our deliberations.

Gentlemen of the Convention, allow me to introduce to you Major-General Pope, Commander of the Third



Military District, the representative of the Army and Government of the United States; and, as such, he is entitled to the warmest congratulations and the most heartfelt thanks for the kindness and consideration with which he has presided over the administration of our affairs.

General Pope then Proceeded to address the Convention as follows:

*Mr. President, and Gentlemen of the Convention:*

Be pleased to accept my thanks for the polite invitation which has occasioned my presence among you today, and my earnest thanks for the kind reception which I have received at your hands. I beg you to accept my grateful acknowledgments for the Resolutions transmitted to me on yesterday, approving my course in the administration of my office among you. I shall always cherish this mark of your approbation with the highest satisfaction. I congratulate you on the success which you have attained in the pacification of your State, and in the progress which you have made toward its restoration to the Union. I trust and believe that all the deliberations of this body will be marked by moderation and justice, and that the Constitution which you may adopt will be affirmed and approved by the people to whom it is to be submitted—having for its end, as I believe it will, the best welfare of the people of the State and of the whole country. I trust that your action here will not indicate any passion or prejudice, and that nothing will be inserted in the Constitution which you are about to frame, that will forbid its approval by the people, to whom it must be submitted, and by the whole



country. I beg you again, gentlemen, to accept my warmest thanks.

On motion of Mr. McCay, the Convention took a recess of fifteen minutes, to allow the members an opportunity of personal presentation to the Commanding General.

The Convention was called to order, and the unfinished business resumed, to-wit: The amended report of the Finance Committee, which was adopted.

On motion of Mr. Akerman, the Rules were suspended, and the following Resolutions, offered by himself, taken up for final action, to-wit:

*Resolved*, That the Convention take a recess from the 19th day of December to the 8th day of January next—the members not to be entitled to their per diem compensation during the recess, but to be entitled to mileage to and from their homes.

*Resolved*, That the Standing Committees have leave to sit during the said recess, and the members of such Committees be entitled to their per diem compensation for such days in the recess as they actually sit.

Mr. Akerman moved to strike out “19” and insert “23.”

Mr. Trammell called for a division of the question. The motion to strike out prevailed. The proposition to fill the blank with “23” was agreed to.

Mr. Akerman moved to strike out the words “but to be entitled to mileage to and from their homes.” The same was agreed to, and the Resolution adopted as amended.



Mr. Turner moved a suspension of the Rules, in order to take up a petition, offered by Mr. Edwards, for the pardon of Jefferson Davis. The motion was lost.

Mr. Trammell made the following report from the Committee on Privileges and Elections, to-wit:

*Resolved*, That the Chairman of the Committee on Privileges and Elections be authorized to employ such Clerks as may be necessary in the discharge of the duties of that Committee, and that said Committee be authorized to send for persons and papers.

The report was, on his motion, taken up, read, and adopted.

Upon the motion of Mr. Blodgett, the Ordinance introduced by Mr. Hopkins, in relation to Banks, was referred to the Committee on Relief.

On the call of the roll for the introduction of new matter, the following Ordinances and Resolutions were offered and read the first time, to-wit.

By Mr. Chatters. An Ordinance in relation to the intermarriage of the white and colored races. Also, a Resolution tendering thanks of the Convention to the Editors and Reporters of the *Daily New Era*.

By Mr. Cooper—An Ordinance securing a homestead to every citizen of Georgia.

By Mr. Dunning. A Resolution instructing the Committee on Revision to report an Ordinance for the removal of the Capital of the State.

By Mr. Higbee. An Ordinance declaring it the duty of the General Assembly to provide by law for a system of common schools.



Mr. Hopkins presented certain Ordinances for relief, which on his motion, were referred to their appropriate Committees without being read.

By Mr. Hotchkiss. An Ordinance to prevent the levy and sale of property in Georgia under execution, founded on demands originating prior to the first day of June, 1865, until the adjournment of the next Legislature, or until this Convention shall otherwise direct.

By Mr. Stanford—An Ordinance as a substitute for all Ordinances introduced on the subject of homesteads.

By Mr. Speer. An Ordinance for the relief of the people of this State.

By Mr. Rozar. A Resolution for the relief of convicts in the Penitentiary of Georgia.

By Mr. Bradley. An Ordinance relative to the qualification of voters and exemption of homesteads.

By Mr. Murphy. A Resolution regulating the number of county officers, and the mode of their appointment.

Mr. Fort, from the Committee on Enrollment, made the following report, to-wit:

*Mr. President.*

The Committee on Enrollment report the following Ordinance as regularly enrolled, and ready for the signature of the President and attestation of the Secretary, to-wit: “An Ordinance to levy and collect a tax for defraying the expenses of this Convention, and for other purposes.”

On motion, the Convention adjourned until 10 o'clock a. m. to-morrow.



ATLANTA, GA., Saturday, Dec. 21, 1867.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Harlan.

The Journal was Read.

Mr. Dunning moved that the Convention adjourn until 10 o'clock a. m., Monday, in order that the Standing Committees be allowed this day to consider the various subjects referred to them, and to prepare their reports thereon.

The motion prevailed, and the President declared the Convention adjourned until 10 o'clock a. m., Monday.

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ATLANTA, GA., Monday, Dec. 23, 1867.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Trawick.

The Journal was read.

On motion of Mr. Akerman the Rule fixing the daily hour of adjournment at 2 o'clock p. m. was suspended for this day, and on his motion the Convention took a recess until 3 o'clock p. m.

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3 o'clock p. m.

The Convention resumed the consideration of business.

Mr. Bryant, from the Committee on Franchise, reported back to the Convention, with the recommendation that they be referred to the Committee on Bill of Rights,



an Ordinance prohibiting common carriers in this State from discriminating against passengers on account of race or color; and a Resolution declaring that no words used to distinguish any particular race shall be engrafted into any Ordinance, Resolution or Constitution adopted by this Convention. Also, with the recommendation of reference to the Judiciary Committee, a Resolution relative to the right and duty of the Convention to declare all civil offices in this State vacant, and to fill the same as they may deem best. The proposed references were made.

Mr. Shopshire, from the Committee on Finance, reported an Ordinance to authorize the negotiation of a loan for defraying the expenses of this Convention, which is as follows:

*Be it Ordained by the people of Georgia, in Convention assembled,* That the Disbursing Officer of this Convention is hereby empowered to negotiate a loan or loans, on reasonable terms, by the 8th day of January next, for such sums as may be needed for the expenses of this Convention, and pay and mileage of the officers and members thereof; and that this Convention is hereby pledged to the exercise of all the powers which it possesses by the Acts of Congress, or otherwise, to provide means for repaying such loans with the interest agreed on.

On motion of Mr. Shopshire the Rule was suspended and the report taken up.

Pending action thereon, Mr. Bryant called for the report of the Disbursing Officer of the Convention, which was presented and read as follows, to-wit:



ATLANTA, GA., Dec. 23d, 1867

*To the Georgia State Convention, in session at Atlanta:*

The duty devolving on me by your action in an Ordinance appointing a Disbursing Officer, authorizing him to receive and receipt for a certain sum of money from the Treasurer, I undertook to perform, by first getting instructions from General Pope to the State Treasurer to comply with the provisions of said Ordinance. On presenting said Ordinance and instructions to the said Treasurer, at Milledgeville, the following response, in substance, was received: That holding his office under the Constitution of the State of Georgia adopted in 1865, being sworn to perform its duties according to that Constitution and the laws of the State, by which he was forbidden to pay money out of the Treasury except upon warrant of the Governor and sanction of the Comptroller General, and having entered into heavy bonds for the faithful performance of the duties so prescribed, he was compelled to decline making the payment ordered by the Convention and authorized by General Pope.

Respectfully submitted,

N. L. ANGIER.

On motion of Mr. Goodwin the report was amended by inserting the word "Constitutional" between the words "State" and "Convention," so as to read "To the Georgia State Constitutional Convention." The same as amended was received.

The question recurring upon the adoption of the report of the Finance Committee, the yeas and nays were demanded.



Those who voted in the affirmative, are Messrs.

Akerman,	Houston,
Angier,	Holcombe,
Bell of Banks,	Hudson,
Bowden of Campbell,	Hutcheson,
Bowden of Monroe,	Jordan,
Bowers,	Key,
Blount,	Lott,
Bracewell,	Marler,
Bryson,	Martin of Carroll,
Carson,	Martin of Habersham,
Christian of Newton,	Miller,
Christian of Early,	Moore of White,
Cole,	Smith of Clarlton,
Crane,	Smith of Coweta,
Crawford,	Smith of Thomas,
Davis,	Speer,
Flynn,	Shropshire.
Fort,	Shumate,
Foster of Paulding,	Stanford.
Harland,	Trammell,
Higden,	Waddell,
Hotchkiss,	

Those who voted in the negative, are Messrs.

Adkins,	Campbell,
Alexander,	Catching,
Anderson,	Clift,
Ashburn,	Chatters,
Bedford,	Claiborne,
Beaird,	Chambers,
Baldwin,	Cobb of Houston,
Bell of Oglethorpe,	Costin,
Blodgett,	Crayton,
Bryant,	Crumley,
Bradley,	Daley,
Buchan,	Dinkins,
Bullock,	Dunning,



Dunnegan,	Palmer,
Edwards,	Pope,
Ellington,	Reynolds,
Gilbert,	Richardson,
Goodwin,	Rozar,
Golden,	Saulter,
Guilford,	Sikes,
Harris of Chatham,	Shields,
Harrison of Hancock,	Seeley,
Higbee,	Sherman,
Hopkins,	Stewart,
Jackson,	Supple,
Joiner,	Stanley,
Jones,	Stone,
Knox,	Strickland,
Lee,	Trawick,
Linder,	Turner,
Lumpkin,	Wallace,
Madden,	Welch,
Maddox,	Wilbur,
Maull,	Whitaker,
Mathews,	Whitehead of Burke,
Minor,	Whiteley,
Moore of Columbia,	Williams,
Murphy,	Woodey,
Noble,	Yeates.

There are yeas 43; nays 78. So the motion to adopt the resolution did not prevail.

On motion of Mr. Blodgett the Convention adjourned, and was declared by the President adjourned, by virtue of a Resolution, until 10 o'clock a. m. January 8th, 1868.

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ATLANTA, GA., Wednesday, Jan. 8, 1868.

The Convention met pursuant to adjournment.



Prayer by the Chaplain.

The roll was called and a quorum found present.

The Journal was read.

The call of the roll for the introduction of new matter was proceeded with, when the following Ordinances and Resolutions were offered and read the first time, to-wit:

By Mr. Bell of Banks. A Resolution to incorporate in the Constitution a clause requiring the General Assembly to foster works of internal improvement.

By Mr. Blount. An Ordinance to declare illegal, null and void, all notes, bonds and executions for the purchase of slaves; an Ordinance to declare null and void all laws of the State of Georgia while in rebellion against the United States, by which money has been raised for the purpose of carrying on and sustaining the late war against the United States, and all notes, bills, bonds, and contracts founded thereon; a Resolution of welcome to Major-General Meade; an Ordinance to declare illegal, null and void all notes, bonds, and executions, and contracts for services or hire as substitutes in the Confederate Army; and an Ordinance to declare null and void certain Ordinances and Resolutions heretofore passed by the people of the State of Georgia, in Convention.

By Mr. Bowers. An Ordinance in relation to the qualification of civil officers in this State.

By Mr. Burnett. An Ordinance for the relief of the people of Georgia.

• By Mr. Clift. An Ordinance declaring the relations of the people of Georgia to the Government of the United States.



By Mr. Bryant. A Resolution to instruct the President to appoint a Committee of seven on Corporations, and a similar Committee on Resolutions.

By Mr. Conley. An Ordinance for the relief of the people of Georgia.

By Mr. Davis. A Resolution to prevent the sale of spirituous liquors on days of election.

By Mr. Ashburn. Resolutions asking National aid for material purposes, and recommending the railway system and a recognition of the principle as set forth by the National Railway League.

By Mr. Seeley. An Ordinance declaring null and void certain Ordinances and Resolutions passed by the Secession Convention of the State of Georgia.

By Mr. Higbee. An Ordinance to establish homesteads.

By Mr. Holcombe. A Resolution to inquire into the authority by which members of this Convention hold their seats.

By Mr. Hotchkiss. A Resolution relative to the appointment of a Committee of five to wait upon General Meade, to inform him of the re-assembling of the Convention, tendering to him and his staff seats in the Hall, and to inform him that the Convention will be pleased to receive any communications which he may desire to make.

Mr. Hotchkiss gave notice of a motion to amend the twenty-first Rule, by adding a Committee on Miscellaneous Matters.



By Mr. Maddox. An Ordinance for relief of persons holding change bills issued by the Western & Atlantic Railroad.

By Mr. Richardson. An Ordinance for the relief of the people, and to protect them against fraud practiced upon them by lotteries.

Mr. Trammell rose to a point of order, which was sustained by the President, and the Ordinance ruled out of order.

By Mr. Strickland. A Resolution requesting the continuation of the Freedmen's Bureau.

By Mr. Trammell. A Resolution to amend the order or the day by adding after the fifth order the following:

6th. Resolutions for a second reading and for final action.

By Mr. Turner. A Resolution to stay the collection of taxes.

By Mr. Wallace. A substitute for a Resolution offered by Mr. Dunning relative to the removal of the Capital.

The President decided that a substitute could only be offered when the original measure is taken up for final action, and that the foregoing was out of order.

On motion of Mr. Blount, the Rules were suspended, and the following Resolution, offered by him, was taken up:

*Resolved*, That a Committee of three be appointed to wait upon Major General Meade, and invite him to visit this Convention at pleasure; that this Convention



do welcome him, in behalf of the citizens of Georgia, as Commanding General of the Third Military District.

Mr. Bedford offered the following, which was introduced by Mr. Hotchkiss, as a substitute for the foregoing, which was accepted by Mr. Blount:

*Resolved*, That a Committee of five be appointed to wait upon General Meade, the Commander of this District, and inform him that the Convention has re-assembled according to adjournment, and tender to him and his staff the privilege of seats in this Hall, and will be pleased to receive any communication he may desire to make.

Mr. Akerman offered the following as a substitute for the original and substitute:

*Resolved*, That Major-General Meade and his staff be invited to seats on the floor of the Convention.

*Resolved*, That a Committee of five be appointed by the President to present the foregoing Resolution to Major-General Meade, and to make it known to him that the Convention welcomes him to this Military District, and will take pleasure in co-operating with him (to the extent of its powers) in executing the Reconstruction Acts of Congress.

The same was adopted and passed.

On motion of Mr. Miller the Rules were suspended, when he proposed to amend the Rules of Order by striking out the words "Committee of the Whole," and inserting in lieu thereof the words "Standing Committees."

Mr. McCay offered as a substitute for the amend-



ment of Mr. Miller, the following: "Reports of Standing Committees," the same to be inserted as a distinct section between sections two and three.

The substitute was accepted by Mr. Miller, and passed.

On motion of Mr. Miller the Rule of Order was further amended by adjusting the numbers of its sections in according with the foregoing addition thereto.

Mr. Conley in the Chair.

An Ordinance to secure impartial suffrage on the ratification of the Constitution of Georgia, was read the second time, and on motion of Mr. Bryant laid on the table until to-morrow.

An Ordinance in relation to vacating the civil offices of the State or Territory of Georgia, and for other purposes, which on the 17th day of December was taken up for a second reading and ruled out of order by the President, came up again, by mistake, for a second reading, and being read, was on motion made the special order for to-morrow.

Mr. Trammell called the attention of the Convention to the previous disposition of said Ordinance, and moved the unanimous reconsideration of the action of this day thereon, in order that the Journals might be consistent.

The motion did not prevail.

The following Ordinances were read the second time, and on motion referred to the Committee on Bill of Rights, to-wit:

An Ordinance by Mr. Murphy to allow each head of a family in Georgia a homestead.



An Ordinance by Mr. Stanford, intended as a substitute for other Ordinances in relation to homesteads.

An Ordinance by Mr. Smith, of Coweta, on the subject of homesteads.

An Ordinance on the same subject by Mr. Chatters.

An Ordinance by Mr. Dews on the same subject.

The Ordinance by Mr. Bradley in relation to the qualification of voters in this State, and to secure homesteads to certain persons, was read the second time, and on motion of Mr. Richardson, referred to the Committee on Franchise.

Ordinances for the relief of the people of Georgia, offered by Mr. Speer, Mr. Sherman, and Mr. Blodgett, were read the second time, and referred to the Committee on Relief.

An Ordinance by Mr. Crawford for the relief of creditors in this State, was read the second time, and referred to the Committee on Relief.

An Ordinance to change the Senatorial Districts, and to reduce the number of Senators and Representatives in the General Assembly of Georgia, was read the second time, and referred to the Committee on Legislative Department.

An Ordinance to dissolve the inferior Courts of this State, and an Ordinance for the relief of certain debtors in this State, were read the second time, and referred to the Committee on Judiciary.

The following Ordinances were ruled out of order by the President because in the nature of Legislative matter, to-wit:



An Ordinance to regulate and fix the salaries of officers of this State, and for other purposes.

An Ordinance to confer on the Legislature authority to regulate, fix and control charges on Railroads, Bridges, Ferries, and Turnpikes in this State.

An Ordinance revoking all orders and decrees of Probate Courts binding or apprenticing minors without the consent of parents.

An Ordinance offered by Mr. Martin, of Calhoun, entitled "An Ordinance of Economy on the pay and mileage of Delegates to this Convention," was read the second time, and on motion of Mr. Speer indefinitely postponed, the Convention having previously taken final action on its subject matter.

An Ordinance for the relief of females, minors, idiots, and lunatics, was read the second time, and referred to the Committee on Relief.

On Motion of Mr. Parrott the Rules were suspended and the Resolution offered today by Mr. Trammell, adding an additional clause to the Order of the Day, was taken up and agreed to.

Mr. Holcombe moved a suspension of the Rule for the purpose of taking up his Resolution instructing the Committee on Privileges and Elections to inquire in regard to the authority by which members hold their seats, and the report thereon.

The motion did not prevail.

The following gentlemen were announced as the Committee appointed under the Resolution tendering seats in the Hall to Major-General Meade and his staff, to-wit:



Messrs. Blount, Bryant, Waddell, Dunning, and Hotchkiss.

The following report was made by Mr. Fort from the Committee on Enrollment:

*Mr. President:*

The Committee on Enrollment beg leave to report the following Resolution as regularly enrolled and ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution tendering to General Meade and to his staff officers seats on the floor of the Convention.

Mr. Gibson moved a suspension of the Rules for the purpose of taking up the Resolution offered by himself in relation to the appointment of a Committee, consisting of one member from each Congressional District in this State, to confer with General Pope and make up a list of such citizens of Georgia as are in favor of Reconstruction under the late Acts of Congress; conferring the power on said Committee to select two discreet persons and send them at once to the City of Washington to urge upon Congress the propriety of relieving from disabilities imposed by the requirements of the test oath, such gentlemen as may be mentioned in said list.

The motion to suspend the Rule did not prevail.

On motion the Convention adjourned until 10 o'clock a. m. to-morrow.



ATLANTA, GA., Jan. 9, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read, and Mr. Turner having given notice of his intention to move the reconsideration of so much thereof as relates to the indefinite postponement of the Ordinance giving authority to the Legislature to control, fix and regulate the charges on Railroads, Bridges, Ferries and Turnpikes, submitted the motion, which prevailed.

The Ordinance was, on motion, referred to the Committee on Legislative Department.

Mr. Blount, from the Special Committee appointed to wait upon Major-General Meade, made the following report, to-wit:

*Mr. President:*

The Committee appointed to wait upon Major-General Meade and present to him the Resolution passed by this Convention, ask to report: That they have performed that duty. The interview was pleasant and cordial. Major-General Meade tenders his thanks to the members of the Convention for their generous sentiments, with the assurance that he will use all the powers conferred upon him by the Reconstruction Acts for a speedy restoration of Georgia to all her rights in the Union.

Mr. Trammell, from the Committee on Privileges and Elections, submitted the following report:



*Mr. President:*

The Committee on Privileges and Elections make the following report:

By the fourth section of an Act, entitled "An Act supplementary to an Act to provide for the more efficient government of the rebel States," passed March 2d, 1867, it is provided that the commanding General of each District shall appoint as many Boards of Registration as may be necessary, consisting of three loyal officers, or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, election returns, and the persons elected as delegates by a plurality of votes cast at said election.

Your Committee are of opinion that the whole question of votes, list of voters, and persons elected is referred by the law to the Commanding General, and that the proclamation of General Pope, declaring the persons elected, is conclusive upon all questions as to who is elected. Your Committee, therefore, recommend the adoption of the following Resolution:

*Resolved,* That the Proclamation of General Pope is conclusive in all cases as to the votes, list of voters, election returns, and persons elected.

On motion of Mr. Conley the Rule was suspended, and the report taken up and adopted.

Mr. Harris, from the Committee on Relief, presented the following majority report, announcing, at the same time, that a minority report of said Committee would be presented:



Your Committee, to whom was referred the subject of relief, beg leave to report the following:

WHEREAS, By the late disastrous war the people of Georgia have lost over four hundred millions of taxable property; also, a vast depreciation of real estate and the total loss of four years' labor, thereby throwing into hopeless confusion the equitable relations of debtor and creditor; and,

Whereas, The indebtedness of the State to her citizens has been repudiated, and her most solemn contracts violated and sanctioned and sustained by her ablest jurists, thereby leaving the people to bear as best they can the increased burdens *thus* imposed; and,

Whereas, The low price of cotton, the scarcity of money, the unsettled condition of the political affairs of the State, and the derangement and inefficiency of labor, render it impossible for the debtor to make even partial payment; and,

Whereas, To undertake to force the payment of indebtedness would only result in bankruptcy and utter ruin of the great masses, and concentrate into the hands of a few the little remaining from ruthless war; and,

Whereas, All or nearly all the indebtedness was based directly or indirectly upon the property thus destroyed or depreciated, while the amount of indebtedness is held undiminished. Therefore,

*We, the people of Georgia in Convention assembled, do solemnly Ordain, That from and after the passage of this Ordinance no Court in this State shall have jurisdiction at any time, to hear or determine, or render judgment against any citizen of this State upon any contract*



or agreement made or entered into, or for any tort or injury committed prior to the first day of June, 1865; nor shall any court or ministerial officer of this State ever have jurisdiction to enforce any judgment or execution, rendered or issued upon any contract or agreement, or for any tort or injury committed prior to said first day of June, 1865.

Your Committee also submit the following Resolution:

*Resolved*, That the Committee on the Judiciary be, and they are hereby instructed to insert in that part of the Constitution which defines the powers of the Judiciary of this State, the following section, to-wit:

No Court in this State shall have jurisdiction at any time to hear or determine or render judgment against any citizen of this State, upon any contract or agreement made or entered into, or for any tort or injury committed prior to the first day of June, 1865; nor shall any Court or ministerial officer of this State, ever have jurisdiction to enforce any judgment or execution, rendered or issued upon any contract or agreement, or for any tort or injury made or committed prior to said first day of June, 1865.

JOHN HARRIS, Chairman.

C. H. HOPKINS,

N. P. HOTCHKISS,

W. L. GOODWIN,

R. B. BULLOCK,

W. W. DEWS,

W. H. WHITEHEAD.



Leave of absence was granted Messrs. Edwards, Dews, Daley, Wilbur, and Roberts, on account of sickness.

Mr. Bigby, from the Committee on Executive Department, made the following report:

*Mr. President:*

The Executive Committee have had under consideration the matters relating to the Executive Department, and beg leave to submit the following report:

### ARTICLE III.

#### SECTION I.

1. The Executive power shall be vested in a Governor, who shall hold his office during the term of four years, and until such time as a successor shall be chosen and qualified. He shall have a competent salary, established by law, which shall not be increased or diminished during the period for which he shall have been elected; neither shall he receive within that period any other emolument from the United States, or either of them, or from any foreign power.

2. The Governor shall be elected by the persons qualified to vote for members of the General Assembly, on ----- in the year eighteen hundred and sixty-eight, and quadriennially thereafter on the----- until such time be altered by law, which election shall be held at the places of holding general elections in the several counties of this State, in the same manner as is prescribed for the election of members of the General Assembly. The returns for every election of



Governor shall be sealed up by the Managers separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives, and transmitted to His Excellency, the Governor, or the person exercising the duties of Governor for the time being, who shall, without opening the said returns, cause the same to be laid before the Senate on the day after the two Houses shall have been organized, and they shall be transmitted by the Senate to the House of Representatives. The members of each branch of the General Assembly shall convene in the Representative Chamber, and the President of the Senate and the Speaker of the House of Representatives shall open and publish the returns in the presence of the General Assembly, and the person having the majority of the whole number of votes given shall be declared duly elected Governor of this State; but if no person have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the Legislature to elect, the General Assembly shall immediately elect a Governor *viva voce*; and in all cases of election of a Governor by the General Assembly, a majority of the votes of the members present shall be necessary for a choice. Contested elections shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

3. No person shall be eligible to the office of Governor who shall not have been a citizen of the United States fifteen years and a citizen of this State ten years, and who hath not attained the age of thirty years.

4. In case of the death, resignation, or disability of the Governor, the President of the Senate shall exercise



the Executive powers of the government until such disability be removed, or a successor is elected or qualified. And in case of the death, resignation, or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the Executive powers of the government until the removal of the disability, or the election and qualification of a Governor. The General Assembly shall have power to provide by law for filling unexpired terms by a special election.

5. The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear or affirm (as the case may be), that I will faithfully execute the office of Governor of the State of Georgia; and will, to the best of my abilities, preserve, protect, and defend the Constitution thereof, and the Constitution of the United States of America."

## SECTION II.

1. The Governor shall be Commander-in-Chief of the Army and Navy of this State, and of the Militia.

2. He shall have power to grant reprieves and pardons, to commute penalties, and to remit any part of a sentence for offences against the State, except in cases of impeachment.

3. He shall issue writs of election to fill all vacancies that happen in the Senate or House of Representatives, and shall have power to convoke the General Assembly on extraordinary occasions, and shall give them, from time to time, information of the State of the Commonwealth, and recommend to their consideration such measures as he may deem necessary and expedient.



4. When any office shall become vacant by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is appointed agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

5. A person once rejected by the Senate shall not be reappointed by the Governor to the same office during the same session or the recess thereafter.

6. The Governor shall have the revision of all bills passed by both Houses, before the same shall become laws; but two-thirds of each House may pass a law notwithstanding his dissent, and if any bill should not be returned by the Governor within five days (Sundays excepted) after it has been presented to him, the same shall be a law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation, and disapprove any other appropriation in the same bill, and the latter shall not be effectual unless passed by two-thirds of each House.

7. Every vote, resolution, or order, to which the concurrence of both Houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor; and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of each House, according to the rules and limitations prescribed in case of a bill.

8. There shall be a Secretary of State, a Comptroller General, a Treasurer, a Surveyor General, elected by the General Assembly, and they shall hold their offices



for the like period as the Governor, and shall have a competent salary, which shall not be increased or diminished during the period for which they shall have been elected. The General Assembly may, at any time, consolidate any two of these offices, and require all the duties to be discharged by one officer.

9. The great seal of the State shall be deposited in the office of the Secretary of State, and shall not be affixed to any instrument of writing but by order of the Governor or General Assembly; and that now in use shall be the great seal of the State, until otherwise provided by law.

10. The Governor shall have power to appoint his own Secretaries, not exceeding two in number, unless more shall be authorized by the General Assembly.

On motion of Mr. Blount the Rule was suspended, when he moved that five hundred copies of the foregoing report be printed for the use of the Convention, and that the report be made the special order for Monday next.

Mr. Akerman called for a division of the question, and the vote being taken on the proposition to print, the motion prevailed.

Mr. Blount asked leave to withdraw the motion to make the report the special order for Monday next, but objection was made, whereupon Mr. Richardson moved to lay the motion on the table. The same prevailed.

The Resolution of Mr. Ashburn, to declare vacant the civil offices in this State or Territory of Georgia, and to provide for filling the same, being the special order for



the day, was taken up, and being read, was ruled out of order by the President, for the reason that it had been ruled out of order on the 17th of December as legislative matter, and because the subject of the action of the Convention yesterday by mistake.

From this decision Mr. Ashburn appealed, which appeal he withdrew.

On the call of the roll for the introduction of new matter, the following Ordinances and Resolutions were offered and read the first time:

By Mr. Adkins. An Ordinance to secure adequate and equitable relief to the people of Georgia.

By Mr. Anderson (Mr. Shropshire in the Chair). An Ordinance for the relief of purchasers of slaves.

By Mr. Ashburn. A Resolution to declare vacant the civil offices of the State or Territory of Georgia, and to provide for filling the same.

Mr. Trammell rose to a point of order, assuming that this Resolution being the same in substance as that which had been ruled out of order as legislative matter, could not be entertained by the Convention.

The President *pro tem.* sustained the point of order.

Mr. Ashburn appealed from the decision of the Chair, insisting that the Resolution differed materially from that which had been ruled out of order, as to the time of vacating and the mode of filling said offices.

Mr. Cotting called for the previous question, which was sustained.

The main question was then put, and upon this the yeas and nays were required to be recorded.



Those who voted in the affirmative, are Messrs.

Akerman,	Hooks,
Angier,	Howe,
Bell of Banks,	Hudson,
Bowden of Campbell,	Hutcheson,
Bowden of Monroe,	Jordan,
Bigby,	Key,
Blount,	King,
Bryson,	Knox,
Burnett,	Lee,
Caldwell,	Maddox,
Cooper,	Martin of Carroll,
Cobb of Madison,	Martin of Calhoun,
Cole,	Martin of Habersham,
Crawford,	McCay,
Cotting,	Miller,
Davis,	McWhorter,
Dunning,	Moore of White,
Dunnegan,	Potts,
Fields,	Rice,
Flynn,	Robertson,
Fort,	Saffold,
Foster of Morgan,	Saulter,
Foster of Paulding,	Smith of Coweta,
Gibson,	Smith of Thomas,
Goodwin,	Speer,
Gove,	Shropshire,
Griffin,	Shumate,
Harland,	Trammell,
Harris of Newton,	Trawick,
Harrison of Carroll,	Waddell,
Higden,	Wilbur,
Hotchkiss,	Whiteley,
Houston,	Woodey,
Holcombe,	Wooten.



Those who voted in the negative, are Messrs.

Adkins,	Jackson,
Alexander,	Joiner,
Anderson,	Jones,
Ashburn,	Linder,
Bedford,	Lumpkin,
Bentley,	Madden,
Beaird,	Maull,
Baldwin,	Mathews,
Bell of Oglethorpe,	McHan,
Bowers,	Minor,
Bryant,	Moore of Columbia,
Brown,	Noble,
Bracewell,	Palmer,
Bullock,	Pope,
Campbell,	Prince,
Catching,	Reynolds,
Casey,	Richardson,
Clift,	Rozar,
Chatters,	Sikes,
Claiborne,	Shields,
Chambers,	Seeley,
Cobb of Houston,	Sherman,
Costin,	Smith of Charlton,
Conley,	Stewart,
Crane,	Supple,
Crayton,	Stone,
Crumley,	Strickland,
Dinkins,	Turner,
Ellington,	Walton,
Gilbert,	Wallace,
Golden,	Welch,
Guilford,	Whitaker,
Harrison of Hancock,	Whitehead of Burke,
Higbee,	Williams,
Hopkins,	Yeates.



There are yeas, 68; nays, 70. So the decision of the Chair was not sustained.

The President resumed the Chair, and pending a motion of Mr. Bryant to lay the Resolution on the table for the present, decided said Resolution out of order, because in the nature of legislative matter.

From this decision Mr. Conley appealed, but withdrew his appeal at the request of Mr. Ashburn, who, by consent of the Convention, withdrew his Resolution.

Mr. Ashburn gave notice that on tomorrow he would move to amend the Resolution of the Committee of ten, appointed to inquire into and report in regard to the powers of the Convention.

By Mr. Ashburn. A Resolution providing for the election of a Printer for the Convention, and an Ordinance for the relief of the widows and orphans of the State or Territory of Georgia.

By Mr. Bell of Banks. A Resolution excluding new matter on the subject of relief.

By Mr. Bullock (Mr. Waddell in the Chair). A Resolution appointing a Committee, consisting of one member from each Congressional District, to prepare and submit to this Convention a list of names of certain citizens who are now disfranchised by the Acts of Congress, and who have favored the work of Reconstruction under the recent Acts of Congress.

The Rule was suspended, on motion, and the foregoing Resolution taken up, which reads as follows:

*Resolved*, That the Hon. C. H. Hopkins, of Chatham, in the First Congressional District, Hon. H. K. McCay,



of Sumter, in the Second Congressional District, Hon. G. W. Ashburn, of Muscogee, in the Third Congressional District, Hon. T. J. Speer, of Pike, in the Fourth Congressional District, Hon. B. Conley, of Richmond, in the Fifth Congressional District, Hon. Madison Bell, of Banks, in the Sixth Congressional District, and Hon. J. L. Dunning, of Fulton, in the Seventh Congressional District, are hereby constituted a Committee of seven, to prepare and submit to this Convention a list of names of such persons in the State of Georgia, who being disfranchised by the Acts of Congress, have aided and assisted in carrying out the laws of Congress for a reconstruction of the Government by a restoration of this State to the Union, and who thereby, in the opinion of this Convention, are worthy of the clemency of Congress; and that, on the adoption of said list, it be forwarded to the Clerk of the House of Representatives and the President of the Senate, with a recommendation that the said persons be restored to all the rights and privileges of a citizen of the United States.

Mr. Parrott moved to amend by striking out the word "disfranchised" where it occurs, and insert in lieu thereof the words "those laboring under political disabilities." The same was accepted by Mr. Bullock.

Mr. Bigby offered the following as a substitute for the Resolution as amended:

*Resolved*, That a Committee of two from each Congressional District be appointed to prepare a list of names of proper persons to be recommended by this Convention to the Congress of the United States, for the removal of such disabilities as are declared to exist under



the proposed amendment to the Constitution of the United States, known as Article XIV, or otherwise.

Mr. Richardson called the previous question on the original Resolution, as amended.

The call was sustained, and the main question being put, the Resolution of Mr. Bullock, as amended, was agreed to.

Mr. Bullock offered the following Resolution, which, on motion, was taken up, and agreed to:

*Resolved*, That a Sub-Committee, consisting of the Chairman of each delegation to this Convention, be appointed, and requested to furnish the original Committee with the names of such citizens in their several Districts as may be worthy of Congressional clemency.

By Mr. Bigby. A Resolution requesting the Committee on Bill of Rights to report the following clause:

The Legislature shall not deprive a party of any remedy for enforcing a contract which existed when the contract was made.

By Mr. Burnett. An Ordinance prescribing the qualification of voters in this State.

By Mr. Cobb of Madison. An Ordinance for the relief of the people of Georgia.

By Mr. Chatters. An Ordinance declaring all citizens of this State, without regard to race or color, entitled to equality of rights in places for the public accommodation, entertainment, or conveyance.

The same was ruled out of order, because in the nature of legislative matter.



By Mr. Conley. A resolution to confirm certain financial acts of the Legislature of this State for the year 1865.

The same was, on motion, taken up, and referred to the Committee on Finance.

By Mr. Davis. A Resolution requesting the Judiciary Committee to report a certain paragraph for the prevention of frauds in elections.

By Mr. Hotchkiss. A Resolution that the President appoint a Committee, consisting of five members, to be known as the Committee on Miscellaneous Matter.

The Rule was suspended, the Resolution taken up and agreed to.

The following members were announced by the President as constituting said Committee, to-wit: Messrs. Hotchkiss, Cotting, Edwards, Glover, and Prince.

Mr. Hopkins presented a communication relative to the negotiation of a loan for the purpose of the Convention.

By Mr. Lee. An Ordinance for the relief of the debtors of Georgia, and an Ordinance for the relief of tax payers.

By Mr. Higbee. An Ordinance on the elective franchise.

By Mr. Jackson. An Ordinance in regard to the Militia of the State.

By Mr. Martin. A Resolution requesting the Legislature to inquire into the expediency of selling the State Road.



By Mr. Higden. The following Resolution, which was, on motion, taken up for final action :

WHEREAS, Sales of property under execution are prohibited for the time being, by an Ordinance of the Convention; and, whereas, no provision was made for bringing said Ordinance officially to the attention of the Sheriffs of the State, which may cause the violation of said Ordinance through ignorance thereof,

*Resolved*, That one hundred and fifty copies of the Relief Ordinance, and this Preamble and Resolution, be printed, and that a copy be forwarded by the Secretary of the Convention to each Sheriff of the State, and that said Sheriffs inform the Constables of their respective counties of the same.

The following amendment proposed by Mr. Cotting was accepted by Mr. Higden :

*Resolved*, That the District Commander be and he is hereby requested to enforce a due observance of said Ordinance.

The Resolution, as amended, was agreed to.

By Mr. Dunning. A Resolution declaring it impolitic to borrow money to defray the expenses of the Convention, until it is ascertained whether it can be obtained from the Treasury of the State.

By Mr. Minor. A Resolution to relieve from disability a certain class of citizens of the State of Georgia, and an Ordinance for the relief of the people of Georgia.

By Mr. Parrott. A Resolution requesting Congress to repeal the test oath.



By Mr. Rozar. An Ordinance for relief.

By Mr. Speer. A Resolution for the appointment of an Assistant Doorkeeper, and an Ordinance for the relief of the people of this State.

By Mr. Turner. A Resolution relative to the pay of absent delegates.

By Mr. Trawick. A Resolution relative to the continuation of the Freedmen's Bureau, and a Resolution in regard to the introduction of new matter.

By Mr. Walton. An Ordinance for the relief of purchasers of slaves, and a Resolution instructing the Judiciary Committee to limit the jurisdiction of the Courts of this State to actions that have occurred since the first day of May, 1865.

The Rule was suspended, on motion of Mr. Bryant, and the Resolution offered by him on yesterday, instructing the President to appoint a committee of seven, on Corporations, and a similar Committee on Resolutions, was taken up.

Mr. Akerman proposed to amend the same by striking out that portion relative to the appointment of a Committee on Resolutions.

The amendment was accepted by Mr. Bryant, and the Resolution, as amended, was agreed to.

The following Committee was announced by the President under said Resolution, to-wit: Messrs. Bryant, Wilbur, McCay, Hopkins, Angier, Smith, of Coweta, and Foster.

Mr. Angier, the Financial Agent of the Convention,



being called upon, reported that General Meade had handed him, in writing, the following:

General Meade desires Dr. Angier to say to the Convention that he is clearly of the opinion that they are entitled to draw their pay and incidental expenses from the State Treasury, and that he will endeavor, as soon as possible, to remove the obstacles now existing to their being paid.

On motion the Convention adjourned until 10 o'clock a. m., tomorrow.

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ATLANTA, GA., Friday, January 10, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Dunning offered the following Resolution, which, on motion, was taken up, read, and agreed to:

*Resolved*, That, inasmuch as General George G. Meade has signified his convenience to visit our Convention this day, and to further the object, we recommend the appointment of a Committee of three, to meet General Meade, and conduct him to the right of the Chairman of this Convention.

The President announced the following Committee under the foregoing Resolution, to-wit: Messrs. Dunning, Walton, and Holcombe.

The call of the roll for the introduction of new matter being in order, Mr. Parrott (Mr. Trammell in the



Chair) offered an Ordinance, supplementary to an Ordinance adopted by this Convention for temporary relief, and for other purposes.

The Rules were, on motion, suspended, and the Ordinance taken up.

On motion of Mr. Speer, the same was made the special order for Monday next, and two hundred copies thereof ordered to be printed for the use of the Convention.

Mr. Parrott also offered a Resolution, requesting that all of the Committees on the Constitution report as early as practicable, and that two hundred copies of each report be printed for the use of the Convention; and moved a suspension of the Rule for the purpose of taking up the same.

Mr. Bryant moved that the motion to suspend the Rule be indefinitely postponed. This motion prevailed.

Mr. Ashburn, from the Committee on Bill of Rights, made the following report, to-wit:

We, the representatives of the people of the State of Georgia, in Convention Assembled, to secure to all citizens thereof the enjoyment of life, liberty, and property, and of pursuing happiness, do ordain and establish this Constitution for its government:

## ARTICLE I.

### DECLARATION OF RIGHTS.

Sec. 1. Protection to person and property is the duty of government.



Sec. 2. Impartial protection shall be full and complete.

Sec. 3. No person shall be deprived of life, liberty, or property, except by due process of law.

Sec. 4. There shall be no imprisonment for debt, except for fraud, or when the debtor resides beyond the limits of the State, or is about to remove therefrom.

Sec. 5. The punishment of all frauds shall be provided by law.

Sec. 6. The writ of *habeas corpus* shall not be suspended, unless in case of rebellion the public safety may require it.

Sec. 7. A well regulated Militia being necessary to the security of a free people, the right of the people to keep and bear arms shall not be infringed.

Sec. 8. Perfect freedom of religious sentiment be, and the same is hereby secured, and no inhabitant of this State shall ever be molested in person or property, nor prohibited from holding any public office or trust on account of his religious opinion; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the people.

Sec. 9. Freedom of speech and freedom of the press are inherent elements of political liberty. But, while every citizen may freely speak, or write, or print on any subject, he shall be responsible for the abuse of the liberty.



Sec. 10. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts.

Sec. 11. The right of the people to appeal to the Courts; to petition government on all matters of legitimate cognizance, and peaceably to assemble for the consideration of any matter of public interest, shall never be impaired.

Sec. 12. Every person charged with offences against the laws of this State, shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation and list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the attendance of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

Sec. 13. No person shall be put in jeopardy of life or liberty more than once for the same offence, save on his or her own motion for a new trial, after conviction, or in case of mistrial.

Sec. 14. No conviction shall work corruption of blood, but conviction of treason shall work a general forfeiture of estate during the life of the person attainted.

Sec. 15. Treason against the State of Georgia shall consist of passing an ordinance of secession, or in levying war against the State or the United States, or giving aid and comfort to the enemies thereof.

Sec. 16. Excessive bail shall not be required, nor



excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 17. The powers of the Courts to punish for contempts shall be limited by legislative acts.

Sec. 18. Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.

Sec. 19. *Ex post facto* laws, laws impairing the obligation of contracts, or preventing the enforcement thereof, are prohibited.

Sec. 20. Laws shall have a general operation, and no general law, affecting private rights, shall be raised in any particular case by special legislation, except with the free consent in writing of all persons to be affected thereby; and no person being under a legal disability to contract is capable of such free consent.

Sec. 21. The power of taxation over the whole State shall be exercised by the General Assembly only to raise Revenue for the Support of the Government, to pay the Public Debt, to provide a general School Fund, and for Common Defense, and shall be *ad valorem* only.

Sec. 22. The General Assembly may grant the power of Taxation to county authorities and municipal corporations, to be exercised within their several territorial limits.

Sec. 23. There shall be no Poll Tax levied, except for educational purposes.



Sec. 24. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated. The social status of the citizen shall never be the subject of legislation.

Sec. 25. No place or places shall be searched, and no person or persons, thing or things, shall be seized, without first particularly describing the places, persons, and things.

Sec. 26. No warrant shall be issued but upon probable cause, supported by oath or affirmation.

Sec. 27. Private ways may be granted, upon just compensation being first paid.

Sec. 28. There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime, after legal conviction thereof.

Sec. 29. That all elections shall be free and equal.

Sec. 30. Each branch of the General Assembly shall be the judge of the qualifications of its own members.

Sec. 31. No person shall be molested for his opinions, nor suffer any civil or political incapacity, or acquire any civil or political advantage in consequence of such opinions.

Sec. 32. Laws shall be passed by the General Assembly to protect from sale under execution a reasonable amount of property for each head of the family, for the use of his or her family.



Sec. 33. All penalties shall be proportioned to the nature of the offence.

Sec. 34. No citizen of this State shall be subjected to corporeal punishment.

Sec. 35. No lottery hereafter shall be authorized, or sale of lottery tickets allowed in this State.

Sec. 36. No person, after the adoption of this Constitution, shall engage in a duel, send or accept a challenge, or be aider or abettor to a duel; and the Legislature shall fix the punishment.

Sec. 37. The State of Georgia shall ever remain a member of the American Union; the people thereof are a part of the American Nation; that every citizen owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State, in contravention or subversion thereof, can or shall ever have any binding force.

G. W. ASHBURN, Chairman.

On motion of Mr. Whiteley, the foregoing report was laid on the table for the present, and five hundred copies thereof ordered to be printed for the use of the Convention.

Mr. Akerman, from the Committee on Judiciary, offered the following Majority Report:

The Committee on the Judiciary Department report the following, to be incorporated in the Constitution, as the organization of that department of the Government.

A. T. AKERMAN,  
Chairman for the Committee.



## SECTION I.

1. The Judicial powers of this State shall be vested in a Supreme Court, Superior Courts, County Courts, Courts of Ordinary, Justices of the Peace, and such other Courts as have been or may be established by law.

2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum. When a majority of the Judges are disqualified from deciding any case, by interest or otherwise, the Governor shall designate certain Judges of the Superior Courts to sit in their stead. At the first appointment of the Judges of the Supreme Court under this Constitution, one shall be appointed for four years, one for eight years, and one for twelve years; but all subsequent appointments, except to fill unexpired terms, shall be for the term of five years.

3. The Supreme Court shall have no original jurisdiction, but shall be a Court alone for the trial and correction of errors from the Superior Courts, and from the City Courts of Savannah and Augusta, and such other like Courts as may be hereafter established in other cities; and shall sit at the seat of Government at such times in each year as shall be prescribed by law, for the trial and determination of writs of errors from said Superior and City Courts. The days on which the cases from the several Circuits and City Courts shall be taken up by the Court shall be fixed by law.

4. The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case, unless



prevented by Providential cause, it shall be stricken from the docket, and the judgment below shall stand affirmed. In any case, the Court may, in its discretion, withhold its judgment until the next term after the same is argued.

5. When only two Judges sit in any case, and they disagree, the judgment below shall stand affirmed.

## SECTION II.

There shall be a Judge of the Superior Courts for each Judicial Circuit. He may act in other Circuits when authorized by law. At the first appointment of such Judges under this Constitution, one half of the number (as near as may be) shall be appointed for four years, and the other half for eight years; but all subsequent appointments, except to fill unexpired terms, shall be for the term of eight years.

2. The Superior Courts shall have exclusive jurisdiction in cases of divorces; in criminal cases, where the offender is subjected to loss of life or confinement in the Penitentiary; in cases respecting titles to land and equity cases; but the General Assembly shall have power to merge the Common Law and Equity Jurisdiction of said Courts. Said Courts shall have jurisdiction in all other civil cases where the principal sum claimed exceeds one hundred dollars. They shall have appellate jurisdiction in all such cases as may be provided by law. They shall have power to correct errors in Inferior Judicatories, by writ of *certiorari*, which shall only issue on the sanction of the Judge; and to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs that may be necessary for carrying their powers fully into effect, and shall



have such other powers as shall be conferred on them by law.

3. There shall be no appeal from one jury in the Superior Courts to another; but the Court may grant new trials on legal grounds. The Court shall render judgment without the verdict of a jury in all civil cases where an issuable defence is not filed.

4. The Superior Courts shall sit in each County not less than twice in each year, at such times as have been, or may be appointed by law.

### SECTION III.

1. There shall be a County Court in each County, presided over by a County Judge. At the first appointment of County Judges under this Constitution, the Counties shall be numbered by the Governor, as near as may be, in the order in which they have been created, and the Judges of the counties numbered one, five, nine, thirteen, and so on, shall be appointed for one year; the Judges of the counties numbered two, six, ten, fourteen, and so on, for two years; the Judges of the counties numbered three, seven, eleven, fifteen, and so on, for three years; and the Judges of the counties numbered four, eight, twelve, sixteen, and so on, for four years. All subsequent appointments, except to fill unexpired terms, shall be for the term of four years.

2. The County Courts shall have jurisdiction in all civil and criminal cases where exclusive jurisdiction is not herein given to some other tribunal; and shall have such powers in relation to roads, bridges, ferries, public



buildings, paupers, county officers, county funds and taxes, and other matters, as shall be conferred on them by law.

3. The County Courts may sit at any time for the trial of civil and criminal cases; but no civil case, in which the principal sum claimed exceeds one hundred dollars, shall be tried, except at sessions held twice every year at stated times prescribed by law, and designated as the semi-annual sessions.

4. There shall be no jury in the County Courts, except when demanded by a party in a civil or criminal case, and juries, when so demanded, shall consist of seven, except at the semi-annual session, when they shall consist of twelve.

5. There shall be no grand jury in the County Courts; but criminal cases in said Courts shall be tried on a written accusation, signed by the County Solicitor, plainly setting forth the offence charged, founded on the oath of a competent witness, whose name shall be stated in the accusation.

#### SECTION IV.

1. The powers of a Court of Ordinary and of Probate shall be vested in an Ordinary for each county, from whose decision there may be an appeal to the Superior Court, under regulations prescribed by law. The county Judges shall, *ex-officio*, be the Ordinaries of their respective counties.

#### SECTION V.

1. There shall be in each district one Justice of the



Peace, whose official term, except when appointed to fill an unexpired term, shall be four years.

2. The Justices of the Peace shall have jurisdiction in all civil cases where the principal sum claimed does not exceed fifty dollars, and may sit at any time for the trial of such cases.

3. There shall be no appeal to a jury from the decision of a Justice of the Peace.

#### SECTION VI.

1. There shall be an Attorney-General of the State, whose official term, except when appointed to fill an unexpired term, shall be four years.

2. It shall be the duty of the Attorney-General to represent the State in all cases in the Supreme Court; to act as the legal adviser of the Executive Department; to represent the State in all civil and criminal cases in the Superior Courts, when required by the Governor; and to perform such other services as shall be required of him by law.

#### SECTION VII.

1. There shall be a County Solicitor for each county appointed for the same time as the County Judge.

2. It shall be the duty of the County Solicitors to represent the State in all civil and criminal cases in the Superior and County Courts of their respective counties, and to perform such other services as shall be required of them by law.



## SECTION VIII.

1. The Judges of the Supreme and Superior Courts, the Attorney-General, and the County Judges and Solicitors, shall be appointed by the Governor, with the advice and consent of two-thirds of the Senate, and shall be removable by the Governor on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.

2. The Justices of the Peace shall be appointed by the Judges of the Superior Courts in their respective Circuits, and shall be commissioned by the Governor. They shall be removable by the said Judges on conviction of mal-practice in office, or on the address of two-thirds of the Grand Jury at any term of the Superior Court of the county.

3. The Clerks of the Superior Courts shall be appointed and removable by the Judges thereof. Said Judges shall have the power of appointing the Sheriffs of the counties of their respective Circuits, and of removing them before the expiration of their terms of office, for good cause recorded on the minutes of said Courts.

## SECTION IX.

The Judges of the Supreme and Superior Courts, and the Attorney-General, shall have, out of the State Treasury, adequate and honorable salaries, which shall not be diminished during their continuance in office; but said Judges shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.



2. No person shall be Judge of the Supreme or Superior Courts, or Attorney-General, unless at the time of his appointment he shall have attained the age of thirty years, and shall have been a citizen of this State and have practiced law therein for seven years.

#### SECTION X.

1. No total divorce shall be granted except on the concurrent verdicts of two juries. When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties, subject to the revision of the Court.

#### SECTION XI.

1. Divorce cases shall be tried in the County where the defendant resides, if a resident of this State.

2. Criminal cases shall be tried in the County where the crime was committed, except cases in the Superior Courts when the presiding Judge is satisfied that an impartial jury cannot be obtained in such County.

3. Cases respecting titles to land shall be tried in the County where the land lies, except where a single tract is divided by a County line, in which case the Superior Court of either County shall have jurisdiction.

4. Equity cases shall be tried in the County where a defendant resides, against whom substantial relief is prayed.

5. Suits against joint obligors, joint promissors, co-



partners, or joint trespassers residing in different Counties, shall be tried in the County where the maker resides.

6. Suits against the maker and indorser of promissory notes, or other like instruments, residing in different Counties, shall be tried in the County where the maker resides.

7. All other cases shall be tried in the County where the defendant resides.

## SECTION XII.

1. The right of trial by jury, except where it is otherwise provided in the Constitution, shall remain inviolate.

2. The General Assembly shall provide by law for the selection of upright and intelligent persons to serve as Jurors. There shall be no distinction between the classes of persons who compose the grand and petit juries. Jurors shall receive no fees or compensation for their services.

## SECTION XIII.

1. The Courts heretofore existing in this State styled Inferior Courts are abolished; and their unfinished business and the duties of the Justices thereof are transferred to the County Courts and the Judges thereof, until other provision is made by law in accordance with this Constitution.

Mr. Whiteley, from the Judiciary Committee, offered the following Minority Report, to-wit:



The undersigned have the honor to report their dissent from the conclusions arrived at by the majority of the Judiciary Committee, to whom were referred the matter touching the Judiciary Department of the Constitution.

The character and ability of the gentlemen with whom we have had the honor to associate, as well as adherence to what we conceive to be recognized principles, determines our action, and induces us to set forth the reasons that impel us to the course designated.

We set out in the investigation of the work assigned with a desire to make as few changes in the Judiciary of the State as possible, believing that the people of Georgia were attached to the present system, and that that attachment should command our respect, and so far as it was calculated to subserve their interests, should control our actions.

Whilst we deemed it our duty to avoid too radical a change in the Judiciary system, we are not unmindful of the fact that the progress of events, the great changes in our relations as a people, and the experience we have acquired by revolution—all demand the recognition of the truth; that heretofore elections have been too frequent, and the elective principle too generally applied.

To recognize this truth, and to provide against the evils that have and ever will follow its non-observance, we consider it to be our duty to extend the term of office of all Judicial officers, and to provide for the appointment by the Governor, with the assent of two-thirds of the Senate, of the Judges of the Supreme and Superior Courts, and the Attorneys and Solicitors General.



Beyond this we were and are not willing to go, because we are of the opinion that the corruption and strife that will inevitably follow the exercise of a more extended system of appointments, would more than counter-balance any advantages that can reasonably be supposed to adhere to the appointing power, or the application of the appointing principle.

This will, we think, be apparent, from the number of appointments provided for in the majority report, as considered in connection with the opportunities afforded the people in the contemplated organic law for the exercise of that power—the ballot—deemed the foundation of Republican Government, and the best security for the perpetuity of Republican institutions.

For these reasons we desire to see the people of Georgia select by ballot the mass of subordinate Judicial officers. As they have done so in the past, and no evil has resulted therefrom, they can continue to do so with like results.

The subordinate Judicial officers are more intimately and directly associated with the people than any class of officers known to the law. The great changes that have occurred will necessarily increase that intimacy and association; and to secure the people in the due performance of the duties that are to be assigned them, they should be made directly responsible to them for their every act.

By so doing we establish recognized principles of government, alike sanctioned by time and cherished by the people. By the contrary we increase Executive patronage to an alarming extent, and prove recreant to well tried and long established principles. Whilst we differ from the majority of the Committee as to some minor



matters incorporated in their report, we do not deem it necessary to discuss such difference at this time and in this manner.

Respectfully submitted,

RICHARD H. WHITELEY,  
A. L. HARRIS.

On motion of Mr. Bedford, five hundred copies of the foregoing majority and minority reports, each, were ordered to be printed for the use of the Convention.

Mr. Hudson presented a memorial from Mr. A. M. Jenkins.

Mr. Bell, of Banks, moved to suspend the Rule for the purpose of taking up a Resolution excluding new matter on the subject of relief. The motion did not prevail.

Mr. Catching offered an Ordinance for the relief of debtors in this State, which was read the first time.

Mr. Ashburn presented a letter from the Hon. John Sherman, which was read. Also, a Resolution memorializing Congress to confer on the Convention the same powers as are delegated to the District Commanders in the second section of the Supplemental Reconstruction Act, passed July 19th, 1867, and for other purposes therein named.

On motion of Mr. Ashburn, the Rule was suspended and the Resolution was taken up.

Mr. Bedford moved that it be made a special order for Monday next, and that two hundred copies thereof be printed for the use of the Convention.

Pending the discussion of the same General Meade



entered the Hall, and was received by the Special Committee for that purpose, who conducted him to the right of the President. He was welcomed by the President and introduced to the Convention as follows:

*General Meade:*

Allow me, in the name and behalf of the people of Georgia, and their representatives in Convention assembled, to extend to you a cordial welcome.

Gentlemen of the Convention, allow me to introduce to you Major-General George G. Meade, Commander of the Third Military District, who is charged with the execution of the Reconstruction Acts of Congress. You will please give attention to what he has to address to you.

General Meade responded as follows:

*Mr. President, and Gentlemen of the Convention:*

I appear before you today in compliance with the courteous Resolutions you have been pleased to pass, inviting me to a seat upon your floor. I came here principally for returning to you in person my thanks for the kindness and courtesy indicated by your Resolutions. At the same time, it appears to me that this is a suitable occasion for me to state to you, and through you to the people of Georgia, Alabama, and Florida, certain points in regard to what I conceive to be my duty in the position assigned to me by the Government of the United States. I am assigned to the position I now occupy, under a law of Congress, by direction of the President of the United States and the Secretary of War. My duty is to execute a law which has been passed by the



Congress of the United States. As a soldier, I conceive that I have no right to question the validity of the Act from which I derive my powers; nor can I permit it to be questioned by those under my command. There is a proper course to be pursued in testing the validity of all Acts, but I am not the agent for that purpose.

The question arises, what are my duties under this law? In the words of the law, it is "to protect all persons in their rights of person and property; to suppress insurrection, disorder, and violence; and to punish, or cause to be punished, all disturbers of the public peace and criminals;" and when this cannot be done through the proper functions of the civil officers, then the law makes it my duty to assist these officers and afford the proper protection, and this duty shall be faithfully and honestly performed. (Applause.)

Furthermore, the law requires that an opportunity shall be given to the people of Georgia, Alabama, and Florida to say whether they will accept the Constitutions which the Conventions of their respective States may frame. My duty is to see that "all the registered and qualified electors in the State have an opportunity to vote freely, and without restraint, fear, or influence of fraud," so as to enable them to state whether they will or will not accept the terms offered. Now, that duty I shall, to the best of my ability, endeavor to execute. (Applause.)

Your duty, gentlemen, which you are called upon to perform, is to frame a Constitution and Civil Government for the people of Georgia, and, if accepted by the people of Georgia, then to be submitted to the Congress of the United States. I trust that, as Military Com-



mander, we shall co-operate as far as may be necessary. I do not see, however, that there is much co-operation necessary. Your duty is specific, and mine is similar. I do not consider that your Ordinances within the limits of the Acts necessary for the discharge of the duties prescribed by Congress are to be enforced by me, pending the adoption of the Constitution; but I conceive the powers with which I am invested are sufficient to authorize my adoption of any of your acts as my acts, in case, in my judgment, the well being of the people imperatively require such action on my part, and among such measures I have under consideration, the Relief laws as prepared by you.

In conclusion, I beg you will pardon so much reference to myself and actions. But, coming among you, as I do, a stranger never having been in your State before, except passing through as a traveler, it has occurred to me that this plain expression of my duties, and determination to conscientiously discharge the same, would serve, perhaps, to remove some of the obstacles that might otherwise be placed in my way. I trust, gentlemen, you will proceed to frame a Constitution and frame a civil government which shall be acceptable to the qualified voters of Georgia. It is not my duty to dictate, to recommend, or to advise, but I feel justified in counselling moderation, and earnestly hoping that wisdom, calmness, and reason will govern your proceedings. Again I thank you most sincerely for your courtesy.

On motion of Mr. Conley, the Convention took a recess for fifteen minutes, for the purpose of allowing the members an opportunity of personal presentation to General Meade.



The recess having expired, the Convention resumed the consideration of the question pending. The discussion thereon continued until the regular hour of adjournment (Mr. Trammell having the floor), and the President declared the Convention adjourned until tomorrow, 10 o'clock a. m.

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ATLANTA, GA., Saturday, Jan. 11, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read, and the Convention resumed the consideration of the motion pending at the last adjournment, to-wit: The motion to print two hundred copies of the Resolution of Mr. Ashburn, memorializing Congress to confer similar authority on the Convention to that now conferred on District Commanders by the second section of the Supplemental Reconstruction Act, and to make said Resolution the special order for Monday next.

The Resolution of Mr. Ashburn reads as follows:

Resolved, That we, the representatives of the people of Georgia, in Convention assembled, respectfully represent to the Congress of the United States, that it is essential to the successful execution of the Reconstruction laws that the Provisional Government of this State should be executed by such persons only as are made eligible by the following clause in the sixth section of an "Act to provide for the more efficient government of the rebel States," viz., "And no person shall be eligible to any



office under any such Provisional Government, who would be disqualified from holding office under the provisions of the third article of said Constitutional Amendment." Said section third of said Amendment being "No person shall be eligible, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof." And we, therefore respectfully recommend that this Convention be clothed with an operative authority, the same as delegated to the District Commander, in section second of the Supplemental Reconstruction Act, passed July 19th, 1867.

Mr. Trammell presented the following, which was read, and gave notice that he would offer as a substitute for the foregoing Resolution:

*Resolved*, That our confidence in the firmness, ability, and fidelity of Major-General George G. Meade is full and complete. That we hereby express our opinion that he comes among us to execute the laws of the United States, and that his powers are complete and sufficient, and that he has the will to effect the restoration of the State to its fullest relations as a State of the Union.

Mr. Akerman gave notice of the following as an amendment to the Resolution of Mr. Ashburn, to-wit:

In such an Act of Congress we desire that it shall be provided that no member of this Convention shall hold office in the Provisional State Government.

Mr. Whiteley presented the following, which was



read, and gave notice that he should offer it as a substitute for the preceding propositions, to-wit:

WHEREAS, The Reconstruction Acts recognize the existence of a government within the limits of Georgia, subject to the Military Commander of the District and the paramount authority of Congress, under which certain officials hold office; and, whereas, the terms for which said officials were elected, as set forth in the laws allowed to operate within said limits, has expired, and said officials hold only by reason of a failure to provide their successors; and, whereas, a great many of said officials are hostile to, and are insiduously using their influence against the restoration of Georgia to the Union, and by so doing are not only seriously retarding the work of reconstruction, but also materially affecting the prosperity of the State. Therefore,

*Resolved*, That the Convention do hereby request the Legislative Department of the Government of the United States to authorize this body to declare vacant the Chief Executive office of this State, and to fill the same, as well as to provide for the removal, through the Chief Executive officer of the State thus selected, of all persons who are hostile to Reconstruction, and the filling of such vacancies by said Executive.

*Resolved*, That the Convention, in justice to the friends of restoration under the Reconstruction Acts, do hereby request the Department aforesaid to relieve all such of existing disabilities, that they may be eligible to fill the vacancies thus created.

*Resolved*, That the Convention do further request the modification of the test oath, so as to admit all persons who have aided or abetted the late war against the United



States holding office therein; provided, such persons honestly regret the past, and are earnestly attached to, and determined to labor for the re-union of the State on the basis of the Reconstruction Acts.

*Resolved*, That a copy of the foregoing Preamble and Resolutions be forwarded by the President of the Convention to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives.

Mr. Richardson called the previous question, and upon the question of sustaining the same the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Bradley,
Ashburn,	Buchan,
Baldwin,	Richardson.

Those who voted in the negative, are Messrs.

Akerman,	Burnett,
Alexander,	Campbell,
Anderson,	Cameron,
Angier,	Catching,
Bedford,	Caldwell,
Bentley,	Clift,
Beaird,	Christian of Newton,
Bell of Banks,	Chatters,
Bowden of Campbell	Claiborne,
Bowden of Monroe,	Chambers,
Bowers,	Cooper,
Bigby,	Cobb of Houston,
Blount,	Costin.
Bryant,	Cole,
Brown,	Crane.
Bryson,	Crawford,



Crayton,  
Crumley,  
Cotting,  
Davis,  
Dews,  
Dinkins,  
Dunning,  
Dunnegan,  
Ellington,  
Fields,  
Flynn,  
Fort,  
Foster of Paulding,  
Gilbert,  
Goodwin,  
Cove,  
Golden,  
Griffin,  
Guilford,  
Harland,  
Harris of Chatham,  
Harrison of Carroll,  
Harrison of Hancock,  
Higbee,  
Higden,  
Hotchkiss,  
Houston,  
Holcombe,  
Hopkins,  
Hooks,  
Howe,  
Hudson,  
Hutcheson,  
Jackson,  
Joiner,  
Jones,  
Jordan,  
Key,  
King,

Knox,  
Lee,  
Linder,  
Lumpkin,  
Madden,  
Maddox,  
Maul,  
Mathews,  
Martin of Carroll,  
Martin of Calhoun,  
Martin of Habersham,  
McHan,  
McCay,  
Minor,  
Miller,  
McWhorter,  
Moore of White,  
Moore, of Columbia,  
Murphy,  
Noble,  
Palmer,  
Pope,  
Potts,  
Prince,  
Reynolds,  
Rice,  
Rozar,  
Saffold,  
Saulter,  
Sikes,  
Shields,  
Seeley,  
Sherman,  
Smith of Charlton,  
Smith of Coweta,  
Smith of Thomas,  
Speer,  
Shropshire,  
Shumate,



Stewart,	Waddell,
Stanford,	Welch,
Supple,	Whitaker,
Stanley,	Whitehead of Burke,
Stone,	Whiteley,
Trammell,	Williams,
Trawick,	Woodey,
Walton,	Wooten,
Wallace,	Yeates.

There are yeas 6; nays 128. So the call for the previous question was not sustained.

Mr. Whiteley moved to lay the Resolution on the table, which motion, having precedence under the Rules over the motion to postpone to a certain day, was submitted to the Convention, and agreed to.

On motion of Mr. Waddell two hundred copies of the foregoing Resolution, with the proposed substitute and amendment, were ordered to be printed for the use of the Convention.

Mr. Trammell moved that the whole subject matter under consideration be made the special order for Thursday next.

Mr. Waddell called for the yeas and nays upon the proposition, but there not being a second to the call by one-fifth of the members present, the call was not sustained.

The motion to postpone until Thursday was lost.

Mr. Bryant then moved to make the same the special order for Monday next, which motion prevailed. On motion of Mr. McCay the Rule was suspended for the purpose of offering and acting on the following Resolution:



*Resolved*, That the Secretary be directed to furnish Major-General Meade a copy of the Ordinance passed by this Convention for the temporary relief of the people against further sales of property under legal process, and a copy of the Preamble and Resolutions passed on yesterday, requesting him to cause it to be enforced until further action of this Convention.

The Resolution was agreed to.

Leave of absence was granted Messrs. McCay, Bigby, Cameron, Gove, and Griffin.

The Convention adjourned until Monday 10 o'clock a. m.

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ATLANTA, GA., Monday, January 13, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

On motion of Mr. Bryant (Mr. Conley in the Chair), the Rules was suspended, when he offered the following Resolution, which was taken up:

*Resolved*, That the hours of meeting of this Convention be 10 o'clock a. m., and 3 o'clock p. m.; and that the hours of adjournment be at 1 o'clock p. m., and — o'clock p. m., of each day.

The same was amended, on motion of Mr. Akerman, by inserting after the Word "Convention" the words "after Wednesday next."

Mr. Parrott moved to fill the blank with 4½ o'clock.



Mr. Prince moved to lay the amendment on the table.

The motion did not prevail.

Mr. Speer offered the following as a substitute:

*Resolved*, That, after Wednesday next, the daily hours of meeting shall be 10 o'clock a. m. and 3 o'clock p. m.; and of adjournment, 1½ o'clock p. m., and 5 o'clock p. m.

The substitute of Mr. Speer was, on motion, laid on the table.

Mr. Bullock called for the previous question, which was sustained.

The main question, to-wit: the question of adopting the Resolution as amended, on motion of Mr. Akerman, was put, and the amended Resolution lost.

Mr. Trammell, from the Committee on Legislative Department, in the absence of the Chairman, Mr. McCay, offered the following report, which was read:

The Committee on the Legislative Department make the following report, and move that it form a portion of the Constitution on the Organizations, Powers, Duties, Rights, and Negations of that Department.

Respectfully, in behalf of the Committee,

H. K. McCAY, *Chairman*.

## SECTION I.

1. The Legislative, Executive and Judicial Department shall be distinct; and each Department shall be confided to a separate body of Magistracy. No person or



collection of persons, being of one Department, shall exercise any power properly attached to either of the others, except in cases herein expressly provided.

2. The Legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; the members whereof shall be elected, and the returns of the election made as now prescribed by law, until changed by the General Assembly.

3. The members of the Senate shall be elected for four years, except that the members elected at the first election, from the twenty-two Senatorial Districts, numbered in this Constitution with odd numbers, shall only hold their office for two years. The members of the House of Representatives shall be elected for two years. The election for members of the General Assembly shall be on the first Wednesday in October of every second year, except the first election, which shall be within — days after the adjournment of this Convention; but the Legislature may, by law, change the day of election, and the members shall each hold until their successors are elected and qualified.

4. The first meeting of the General Assembly shall be within — days after the adjournment of this Convention; after which it shall meet annually, on the first Thursday in November, or on such other day as the General Assembly may prescribe. A majority of each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the presence of its absent members, as each House may provide. No session of the General Assembly, after the first above mentioned, shall continue longer



than forty days, unless prolonged by a vote of two-thirds of each branch thereof.

5. No person holding any military commission or other appointment or office, having any emolument or compensation annexed thereto, under this State or the United States, or either of them, except Justices of the Inferior Court, Justices of the Peace, and officers of the Militia, nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either House. Nor shall any Senator or Representative, after his qualification as such, be elected by the General Assembly or appointed by the Governor, either with or without the advice and consent of two-thirds of the Senate, to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected.

6. No person convicted of any felony or larceny before any Court of this State, or of or in the United States, shall be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

7. No person who is the holder of any public moneys shall be eligible to any office in this State, until the same is accounted for and paid into the Treasury.

8. The seat of a member of either House shall be vacated on his removal from the district from which he was elected.

## SECTION II.

1. There shall be forty-four Senatorial Districts in



this State, composed each of three contiguous counties, from each of which Districts one Senator shall be chosen. Until they are otherwise arranged, as hereinafter provided, the said Districts shall be constituted of counties as follows:

The First District of Chatham, Bryan, and Effingham.

The Second District of Liberty, Tatnall, and McIntosh.

The Third District of Wayne, Pierce, and Appling.

The Fourth District of Glynn, Camden, and Charlton.

The Fifth District of Coffee, Ware, and Clinch.

The Sixth District of Echols, Lowndes, and Berrien.

The Seventh District of Brooks, Thomas, and Colquitt.

The Eighth District of Decatur, Mitchell, and Miller.

The Ninth District of Early, Calhoun, and Baker.

The Tenth District of Dougherty, Lee, and Worth.

The Eleventh District of Clay, Randolph, and Terrell.

The Twelfth District of Stewart, Webster, and Quitman.

The Thirteenth District of Sumter, Schley, and Macon.

The Fourteenth District of Dooly, Wilcox, and Pulaski.

The Fifteenth District of Montgomery, Telfair, and Irwin.

The Sixteenth District of Laurens, Johnson, and Emanuel.



The Seventeenth District of Bulloch, Screven, and Burke.

The Eighteenth District of Richmond, Glasscock, and Jefferson.

The Nineteenth District of Taliaferro, Warren, and Greene.

The Twentieth District of Baldwin, Hancock, and Washington.

The Twenty-first District of Twiggs, Wilkinson, and Jones.

The Twenty-second District of Bibb, Monroe, and Pike.

The Twenty-third District of Houston, Crawford, and Taylor.

The Twenty-fourth District of Marion, Chattahoochee, and Muscogee.

The Twenty-fifth District of Harris, Upson, and Talbot.

The Twenty-sixth District of Spalding, Butts, and Fayette.

The Twenty-seventh District of Newton, Walton, and Clarke.

The Twenty-eighth District of Jasper, Putnam, and Morgan.

The Twenty-ninth District of Wilkes, Lincoln, and Columbia.

The Thirtieth District of Oglethorpe, Madison, and Elbert.



The Thirty-first District of Hart, Franklin, and Habersham.

The Thirty-second District of White, Lumpkin, and Dawson.

The Thirty-third District of Hall, Banks, and Jackson.

The Thirty-fourth District of Gwinnett, DeKalb, and Henry.

The Thirty-fifth District of Clayton, Fulton and Cobb.

The Thirty-sixth District of Meriwether, Coweta, and Campbell.

The Thirty-seventh District of Troup, Heard, and Carroll.

The Thirty-eighth District of Haralson, Polk, and Paulding.

The Thirty-ninth District of Cherokee, Milton, and Forsyth.

The Fortieth District of Union, Towns, and Rabun.

The Forty-first District of Fannin, Gilmer, and Pickens.

The Forty-second District of Bartow, Floyd, and Chattooga.

The Forty-third District of Murray, Whitfield, and Gordon.

The Forty-fourth District of Walker, Dade, and Catoosa.

If a new county be established, it shall be added to a district which it joins, and from which the larger portion of its territory is taken. The Senatorial Districts



may be changed by the General Assembly, but only at the first session after the taking of each census by the United States Government, and their number shall never be increased.

2. No person shall be Senator who shall not have attained the age of twenty-four years, be a citizen of the United States, and for three years a citizen of this State, and for one year a resident of the district from which he is chosen.

3. The presiding officer shall be styled the President of the Senate and shall be elected *viva voce* from the body.

4. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the members shall be on oath or affirmation, and shall be presided over by one of the Judges of the Supreme Court, selected for that purpose by a *viva voce* vote of the Senate; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgments in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit within this State, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

### SECTION III.

1. The House of Representatives shall be composed of one member from each county in this State.

2. No person shall be a Representative who shall not



have attained the age of twenty-one years, be a citizen of the United States, and has been for three years a citizen of this State, and for one year a resident of the county which he represents, immediately preceding his election.

3. The presiding officer of the House of Representatives shall be styled the Speaker, and shall be elected *viva voce* from the body.

4. The House of Representatives shall have the sole power to impeach all persons who shall have been or may be in office.

5. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

#### SECTION IV.

1. Each House shall be the judge of the election, returns, and qualifications of its members, and shall have power to punish them for disorderly behavior or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled except by a vote of two-thirds of the House from which he is expelled.

2. Each House may punish by imprisonment, not extending beyond the session, any person not a member who shall be guilty of a contempt by any disorderly behavior in its presence, or who, during the session, shall threaten injury to the person or estate of any member for anything said or done in either House, or who shall assault any member going to or returning therefrom, or who



shall rescue, or attempt to rescue, any person arrested by order of either House.

3. The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going to or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either House.

4. Each House shall keep a Journal of its proceedings and publish them immediately after its adjournment. The yeas and nays of the members on any question shall, at the desire of one-fifth of the members present, be entered on the Journals. The original Journals shall be preserved, after publication, in the office of the Secretary of State; but there shall be no other record thereof.

5. Every bill, before it shall pass, shall be read three times, and on three separate and distinct days in each House, unless in cases of actual invasion or insurrection. Nor shall any law or Ordinance pass which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

6. All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives; and no Bill, Ordinance, or Resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

7. Neither House shall adjourn for more than three



days, nor to any other place, without the consent of the other; and in case of disagreement between the two Houses on a question of adjournment, the Governor may adjourn either or both of them.

8. The officers of the two Houses, other than the President and Speaker, shall be a Secretary of the Senate and Clerk of the House, and an Assistant for each: a Journalizing Clerk: two Engrossing and two Enrolling Clerks for each House; and the number shall not be increased, except by a two-third vote of the House. And their per diem pay, as well as the pay and mileage of the members, shall be fixed by law, in the passage of which two-thirds of the members of each House shall concur. Whenever this Constitution requires a vote of two-thirds of either or both Houses for the passing of an Act or Resolution, the yeas and nays on the passage thereof shall be entered on the Journal or Journals. And all votes on confirmations or refusals to confirm nominations to office by the Governor, shall be by yeas and nays; and the yeas and nays shall be recorded on the Journal. Every Senator and Representative, before taking his seat, shall take an oath or affirmation to support the Constitution of the United States and of this State; that he has not practiced any unlawful means, directly or indirectly, to procure his election, and that he has not given, or offered, or promised, or caused to be given, or offered, or promised, to any person, any money, treat, or thing of value, with intent to affect any vote, or to prevent any person voting at the election at which he was elected.

## SECTION V.

1. The General Assembly shall have power to



make all laws and Ordinances, consistent with the Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

2. The General Assembly may alter the boundaries of, or lay off and establish new counties, or abolish counties, attaching the territory thereof to contiguous counties; but no new counties shall be established but by a vote of two-thirds of each House, and after the qualified voters of the county shall, at an election held for the purpose, so desire.

3. The General Assembly shall have power, by a vote of two-thirds of each House, to grant pardons in cases of final conviction for treason, and to pardon or commute after final conviction in capital cases, but the Governor may veto as in other cases; and if he should so do, the pardon shall have no force, unless re-passed by a two-third vote, as is provided in other cases of vetoes.

4. The General Assembly shall have power to repeal or modify any charter granted either by the General Assembly or by the Courts.

## SECTION VI.

1. No money shall be drawn from the Treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published from time to time.

2. No vote, resolution, law, or order shall pass, granting a donation or gratuity in favor of any person,



except by the concurrence of two-thirds of each branch of the General Assembly.

3. No law or section of the Code shall be annulled or repealed by mere reference to its title or to the number of the section in the Code, but the amending or repealing act shall distinctly and fully describe the law to be amended or repealed, as well as the alteration to be made.

4. No law shall be passed by which a citizen shall be compelled, against his consent, directly or indirectly, to become a stockholder in, or contribute to any Railroad or work of public improvement, except in the case of the inhabitants of a corporate town or city. In such cases the General Assembly may permit the corporate authorities to take such stock, or make such contribution, or engage in such work after two-thirds of the qualified voters of such town or city shall, at any election held for the purpose, have voted in favor of the same, but not otherwise.

5. The General Assembly shall have no power to grant corporate powers and privileges to private Companies, except to Banking, Insurance, Railroad, Canal, Navigation, Mining, Express, Lumber, Manufacturing, and Telegraph Companies, nor to make or change election precincts, nor to establish bridges and ferries, nor to change names of legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the Courts. But no charter for any Company shall be granted or extended, and no act passed authorizing the suspension of specie payments by any Bank, except by a vote of two-thirds of the General Assembly.



The General Assembly shall have no power to grant any charter without a provision therein for the personal liability of the stockholders for the ultimate payment of the debts of the same, and with a specific, speedy, and effectual mode therein pointed out by which that liability may be enforced. The General Assembly shall pass no law making the State a stockholder in any corporate Company; nor shall the credit of the State be granted or loaned to aid any Company without the concurrence of two-thirds of both Houses, nor without a provision that the whole property of the Company shall be bound for the security of the State prior to any other debt or lien; nor to any Company in which there is not already an equal amount invested by private persons; nor for any other object than a work of public improvement. The General Assembly shall grant no charter or permission for any Lottery, and shall, by law, provide adequate penalties to prohibit the sale of Lottery Tickets in this State. The General Assembly shall have no power to appropriate money, except for the support of the Government, the preservation and repair of the Public Property, the payment of the Public Debt, provision for the Common Defense, and such other purposes as the General Assembly is specially required or empowered to accomplish by the Constitution. No provision in this Constitution for a two-thirds vote of both Houses of the General Assembly shall be construed to waive the necessity of the signature of the Governor, as in any other cases, except in the case of the two-third vote required to override the veto. The General Assembly shall pass no law changing the rules of inheritance, altering the mode of making or the effects of contracts, changing the rules of evidence or practice in the Courts, or methods of pro-



ceeding to enforce any right, or making or repealing any criminal law without the concurrence of two-thirds of both Houses; but this section shall not apply to such acts as are necessary to make or alter the laws now of force so as to conform to this Constitution, and shall be construed as directory only to the General Assembly.

Mr. Richardson, from the Committee on Legislative Department, presented the following Minority Report, which was read:

The undersigned, minority of the Legislative Committee, respectfully ask leave to briefly submit the chief points of difference in the Committee, reserving the right to offer substitutes for articles on which the Committee differ, as they shall come up for action. Passing over minor points of difference, three only will be mentioned in this report:

1. The majority of the Committee would have the apportionment of the members to the General Assembly based upon territory, while the minority believe it to be for the best interest of the people to fix the basis upon population; for, where the earth is inhabited by men, there human laws are needed; where it is not inhabited by men, human laws are not needed. Wherever few men dwell, little Legislation is required, and but few interests to be represented; but a large population requires much legislation, and has many and diversified interests to be represented. Human laws are, or should be, made for the good of the earth's inhabitants, not for the earth itself. The representation of territory, instead of people, in some of the States in our Union, has been the cause of destroying the prosperity of the people therein, and creating chaos and discord where order and harmony



ought now to exist. Upon such a basis as the majority recommend, the superstructure of an aristocracy has been erected, which has so riveted the shackles of legislation upon the mass of the people as to keep them bound in the almost hopeless chains of poverty, degradation, and ruin, and who now tenaciously cling to their Bourbon ideas, and refuse to release their unscrupulous grasp upon the rights of the people. Two distinct fundamental principles are recommended by the Committee: the one, that territory shall be the basis of representation; the other, that it shall be based upon population. It is hoped that the Convention will incorporate into the Constitution the latter principle.

2. It is thought by the minority that the length of time the majority recommend persons changing their residence from neighboring States to this should be necessary before they can be eligible to office, would work injury to the State, by keeping away capital and enterprise. A less time is recommended.

3. The minority cannot agree with the majority that it shall require two-thirds of both Houses of the General Assembly to pass any general law, or statutory criminal law, but believe in leaving the law-making power with the will of the majority, and the Executive approval or veto. Any people, when left free to exercise the powers they inherit from nature, will enact such laws as will best conduce to their interests.

Respectfully submitted,

C. C. RICHARDSON.



The President laid before the Convention the following Order of Major-General Meade:

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Department of Georgia, Alabama, and Florida,)

ATLANTA, GA. Jan. 13, 1868.

*General Order No. 8.*

I. Charles J. Jenkins, Provisional Governor, and John Jones, Provisional Treasurer of the State of Georgia, having declined to respect the instructions of, and failed to co-operate with the Major-General commanding the Third Military District, are hereby removed from office.

II. By virtue of the authority granted by the Supplementary Reconstruction Act of Congress, passed July 19th, 1867, the following named officers are detailed for duty in the District of Georgia: Brevet Brigadier-General Thomas H. Ruger, Colonel 33d Infantry, to be Governor of the State of Georgia; Brevet Captain Charles F. Rockwell, Ordnance Corps, U. S. Army, to be Treasurer of the State of Georgia.

III. The above named officers will proceed without delay to Milledgeville, Georgia, and enter upon the discharge of the duties devolving upon them, subject to instructions from these Headquarters.

By order of Major-General Meade.

R. C. DRUM,  
*Assistant Adjutant General.*

Official:

GEORGE K. SANDERSON,  
*Capt. and Act. Asst. Adjt. Gen.*



On motion of Mr. Speer five hundred copies of each of the foregoing reports on the Legislative Department were ordered to be printed for the use of the Convention.

Mr. Davis, of Walton, moved a suspension of the Rule in order to introduce a Resolution to limit members in debate to fifteen minutes, unless by consent of the Convention.

On motion of Mr. Angier the motion to suspend the Rule was laid on the table.

On motion of Mr. Bryant the Convention proceeded to the consideration of the Resolution of Mr. Ashburn, and the proposed substitutes and amendment, which, on Saturday, were made the special order of this day.

Mr. Ashburn moved to lay the whole subject matter on the table for the present.

The motion prevailed.

Mr. Akerman submitted a minority report on the subject of Relief, which is as follows:

The undersigned, members of the Committee on Relief, respectfully present some of their reasons for disagreeing to the report of the majority, and certain Resolutions which they recommend to the adoption of the Convention:

The majority propose, both by Ordinance and by a provision in the Constitution, to deny to Courts and officers all power to collect debts originating prior to June 1, 1865; and that is, in effect, to abolish all such debts.

No exception is made, even in favor of the most helpless and dependent classes, or against those who still hold valuable property for which they owe. Widows and or-



phans, whose property went before that date into the hands of faithless trustees, will be left penniless and without remedy by this merciless enactment.

The instinct of justice and humanity which impel us to protest against it are in strict harmony with the principles of the supreme law of the land.

Without discussing the question whether the proposed measures can be reached by the Courts so as to be set aside as unconstitutional, we content ourselves with saying that one of the most important provisions in the Constitution of the United States will become utterly worthless if such attempts as this can succeed. When our fathers ordained in that sacred instrument that no State should pass laws, impairing the obligation of contracts, they meant that no State should prevent a creditor from getting his dues; and if this is done by withholding jurisdiction from Courts, or in any other way, the spirit, if not the letter of the Constitution is violated, and one of the main purposes for which the Constitution was made is defeated.

We can be parties to no contrivance, however skilful, for evading the Constitution of our country. We wish to return to the Union, from which Georgia unwisely tried to sever herself, with unfaltering loyalty to the principles on which the Union rests. The best atonement which our State can make for her past aberrations is an increased alacrity in performing every thing that the Constitution commands, and an increased carefulness to abstain from everything that the Constitution forbids, in letter or spirit. Rebellion against the principles of the Constitution is morally as criminal as rebellion against the Government which the Constitution creates.



Passing from the particular provisions of the Constitution of the United States, we object to the proposed measure, because it is at variance with the ends which are professed by all Governments, civilized or savage. "Protection to person *and property* is the duty of Government" is the formula in which Georgia has expressed an elementary truth. Property which a citizen has entrusted to another is as sacred as property which remains in his own hands. If you deny him the means of recovering the one you may also subject him, without redress, to robbery of the other; and, in either case, what becomes of his right of protection?

The reasons for relief, stated in the preamble of the proposed Ordinance, are all resolvable into this: that debtors are poorer than when their debts were made. It is a new and inadmissible doctrine that men, still able to pay their debts, should be released from them because their fortunes have been diminished since the debts were contracted. If so strange a principle should be recognized at all, reciprocal justice would require that the debts should be enlarged where the debtor's fortune has been increased—a proposition too ridiculous to be seriously considered.

It should be remembered that the same public calamities which have reduced the estates of debtors have equally reduced the estates of creditors, so that, relatively to each other, the two classes stand as they did before their common misfortunes. The same causes which make it hard for debtors to pay, make it equally hard for creditors to do without their money. If there must be distress, it is better that the distress should come by taking from debtors what is not morally their own, than by withholding from creditors what is morally and



legally *their* own. We sympathize with needy debtors, but we sympathize with needy creditors, too; and it is our belief that the one class is nearly as large as the other. But if it were otherwise, our judgment would be unchanged; for we abhor the principle which would sacrifice the rights of one class to the interest of another, because the latter is more numerous. We are persuaded, however, that the number of persons who really desire the proposed or any similar relief is comparatively small. A few in every neighborhood, stimulated by interest and unrestrained by principle, have contrived to give to their selfish clamors the semblance of a popular voice. Countenanced by influential politicians, who are more anxious to accomplish their ends than careful about the means by which their ends are attained, they have pressed their views on legislative bodies and military commanders; and, audaciously representing themselves as *the people*, have obtained a consideration to which they are not entitled by their numbers, their characters, or their objects.

We cannot forget that many of these men took advantage during the war, of an unrighteous Stay Law, of which they were the zealous advocates, and refused to pay their debts, when they might have done so in a depreciated and abundant currency; and that since the war they at first deceitfully disclaimed all purpose of ultimate repudiation, and asked for temporary delay only, and when they got that relief from a heedless or interested Legislature, they employed the respite in industrious labors to pervert the public mind, and to prepare it for the monstrous consummation that is reached in the report of the Committee. Such men deserve neither sympathy nor respect. While we are sorry that their innocent families should suffer, we have more pity for the families



of those who will be beggared if their iniquitous schemes prevail.

The affirmation in the third clause of the majority's report, that "it is impossible for the debtor to make even partial payment," is disproved by this very effort to relieve him from paying. Why undertake to prevent impossibilities? No law on earth can collect what a debtor cannot pay. Perhaps the majority simply mean that it is inconvenient for the debtor to pay. This we admit. But when the legislation of the State was controlled by the classes to which most of the present friends of "Relief" belong, they solemnly enacted that all of an insolvent's property, except a moderate exemption, should be sold to pay his debt. They cannot complain if the law metes out to themselves with the same measure. If the present exemption was enough when the standard of wealth was high, it is surely enough when the standard is low. We do not oppose a reasonable enlargement of it as to future debts. But let the debts of the past be settled on the principles that controlled in the past. The argument that forced sales at present prices will not bring enough to benefit the creditor, is sufficiently answered by the consideration that in all such cases the creditor will have no inducement to bring the property to sale, and, of his own accord, will wait till better times.

The majority cite the Ordinance of the Convention of 1865, repudiating the State war debt, as a reason and a precedent for the action now proposed. It is remarkable that the action of a body which the call for this Convention assumes to have been unauthorized, should be expected to influence ours.

But supposing that Convention to have been legal, there is nothing to warrant the interferences which the



majority draw from its action. If the tax-paying debtors of the State have been relieved from their part of a public debt, they are so much the abler to pay their private debts. The principle of the Ordinance of 1865 was one well established at common law, that debts contracted for an illegal purpose, such as to aid in resisting a lawful government, are void. We cannot see how the repudiation of an unlawful debt can justify the repudiation of debts made in the ordinary and lawful course of business.

We also object to the proposed action, because it leaves to a non-resident creditor, whose claim is large enough for the jurisdiction of the Federal Courts, advantages over creditors who reside in Georgia. A creditor to whom those Courts are open will collect his debts in spite of our Ordinances and the prohibitions in our Constitution. While willing that citizens of other States should enjoy equal rights with ourselves, we are not capable of that romantic generosity which would accord them privileges that are denied to our own people. It has been said that ordinary rules are not applicable to the present question, because a large amount of property has been lost by the action of the Government. We cannot see why a destruction of property by public authority should affect the legal relations of debtor and creditor, any more than its destruction by private persons or by usual or Providential causes.

Whatever reason there may be in the proposition that the Government ought to pay for the losses caused by its own acts, there is certainly no justice in imposing any part of the debtor's losses by the Government as a special burden on his creditor.

It has been said that equity requires the creditor to



share the debtor's losses. But who is to share the losses of the creditor?

It is an abuse of language to apply the term "Relief" to a measure that takes from one and gives to another for no fault in the loser and no merit in the gainer.

Before the policy of our conquerors was disclosed some of our people were apprehensive that their property would be confiscated by the United States Government for their part in the rebellion. That danger has ceased; but intelligent men among us now propose to make a virtual confiscation of a large amount of property for no crime in the owners, unless it be a crime to have accommodated, in the past, those who are to be the beneficiaries of the nefarious project.

This can be justified by none of the high public considerations which avowedly prompted the act of emancipation. In our judgment it will work terrible injustice among our people; it will shock the moral sense of our best citizens; it will place among the opponents of our Constitution many good men who would otherwise ratify it; it would be a pernicious precedent for future times; it would repel capital from investment here; in its influence it will sap private morals and destroy all faith between man and man; and it will fix on the character of our State a stigma that will never be effaced until the events of this day shall have passed from the memory and the records of mankind.

There is, however, one species of "Relief" to which our reasonings do not apply—a relief free from all Constitutional objections, and recognizing the grand principle of justice—that a man shall not be permitted to keep his property to the injury of his creditor. This relief is of-



ferred by that Government whose heavy hand brought poverty upon our people.

The Bankrupt Law clears a debtor of all liability, upon giving up his property, except the amount reserved to him by the provisions of that law, and thus answers the ends of justice to the creditor and humanity to the debtor.

That law, to accomplish its beneficent designs effectually, requires some amendments, and these, we believe, would soon be made, if the wants of our part of the country are known to Congress. We, therefore, offer the following Resolutions, as a substitute for the Ordinance and Resolution introduced by the majority:

1. *Resolved*, That this Convention respectfully requests the Congress of the United States, in view of the condition of the Southern States, to amend the Bankrupt Law of 1867 in the following particulars, to-wit: 1st, By providing that the reservation of property to the bankrupt be made uniform in all the States, and sufficient for a frugal support to him and his family until their own industry can maintain them in comfort. 2d, By providing that the relief given by that law be extended to fiduciary debtors who have not been faithless or otherwise culpable in their trusts. 3d, By reducing the expenses of the proceedings when the estate of the bankrupt is small.

2. *Resolved*, That the foregoing Resolution be sent by the President of this Convention to the President of the Senate and Speaker of the House of Representatives of the United States, with request that it be laid before those bodies.

3. *Resolved*, That all Ordinances and Resolutions now before the Convention on the subject of Relief, except the foregoing, be indefinitely postponed, and that the Com-



mittee on Relief be discharged from further consideration of the subject.

Respectfully submitted.

AMOS T. AKERMAN,

THOMAS P. SAFFOLD.

Five hundred copies, each, of the majority and minority reports on this subject were ordered to be printed for the use of the Convention.

On motion of Mr. Richardson the rule was suspended, when he offered the following :

*Resolved*, That the Committee on Printing be, and they are hereby instructed to employ three phonographic reporters for the purpose of taking a full and correct report of the proceedings of this Convention.

The same was, on motion, taken up.

Mr. Akerman offered the following as a substitute, which was accepted by Mr. Richardson :

*Resolved*, That the Committee on Printing be directed to employ three competent reporters to report the debates and proceedings of the Convention, and to provide for the publication of such reports in one or more of the daily newspapers of Atlanta, and for furnishing each member of the Convention with ten copies of one of such papers.

Mr. Bryant called for a division of the question, and the vote being taken on the adoption of that portion relative to the employment of reporters, the same was agreed to.

The remainder of the Resolution, on motion, referred to the Committee on Printing.



On motion of Mr. Turner the Rule was suspended, when he offered a Resolution defining the relations of Georgia to the Government of the United States.

The same was read, and on motion of Mr. Bedford three hundred copies thereof ordered to be printed for the use of the Convention.

The hour of 2 o'clock p. m. having arrived, the President declared the Convention adjourned until 10 o'clock a. m. to-morrow.

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ATLANTA, GA., Tuesday, Jan. 14, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The Secretary proceeded with the call of the roll for the introduction of new matter.

Mr. Ashburn offered a Resolution (Mr. Shropshire in the Chair) petitioning the Congress of the United States to confer on this Convention the power to establish a Provisional Civil Government, and to pass an Act of Relief, and for other purposes therein mentioned; and moved to suspend the Rule for the purpose of taking up the same.

Mr. Bryant called for the previous question.

Mr. Miller rose to a point of order, assuming that call for the previous question implied that there were more than one question before the Convention, and there being but one, the call was not in order.



The point was overruled by the President *pro tem*.

Mr. Miller appealed from the decision of the Chair, but by request, withdrew his appeal.

The President resuming the Chair, the yeas and nays were demanded on the question of sustaining the call for the previous question.

Those who voted in the affirmative, are Messrs.

Adkins,	Edwards,
Alexander,	Ellington,
Anderson,	Gilbert,
Ashburn,	Golden,
Bedford,	Guilford,
Bentley,	Harris of Chatham,
Beaird,	Harris of Newton,
Baldwin,	Harrison of Hancock,
Bell of Oglthorpe,	Hopkins,
Bryant,	Jackson,
Bracewell,	Joiner,
Bradley,	Jones,
Buchan,	Linden,
Bullock,	Lumpkin,
Campbell,	Madden,
Catching,	Maul,
Clift,	McHan,
Chatters,	Minor,
Claiborne,	McWhorter,
Chambers,	Moore of Columbia,
Cobb of Houston,	Murphy,
Costin,	Noble,
Conley,	Palmer,
Crumley,	Pope,
Cotting,	Potts,
Davis,	Prince,
Daley,	Reynolds,
Dinkins,	Rice,



Richardson,	Strickland,
Saulter,	Trawick,
Sikes,	Walton,
Seeley,	Wallace,
Sherman,	Whitaker,
Stewart,	Whitehead of Burke,
Supple,	Whitehead of Butts,
Stanley,	Williams,
Stone,	Woodey.

Those who voted in the negative, are Messrs.

Akerman,	Gove,
Angier,	Griffin,
Bell of Banks,	Harland,
Bigby,	Harrison of Carroll,
Blount,	Higbee,
Bowden of Campbell,	Higden,
Bowden, of Monroe,	Houston,
Brown,	Holcombe,
Bryson,	Hooks,
Burnett,	Howe,
Carson,	Hudson,
Christian of Newton,	Hutcheson,
Christian of Early,	Jordan,
Cooper,	Key,
Cobb of Madison,	King,
Crane,	Knox,
Crawford,	Lee,
Dews,	Maddox,
Dunning,	Mathews,
Dunnegan,	Martin of Carroll,
Fields,	Martin of Calhoun,
Flynn,	Martin of Habersham,
Fort,	Miller,
Foster of Morgan,	Moore of White,
Foster of Paulding,	Neal,
Gibson,	Rozar,
Goodwin,	Roberts,



Robertson,	Shumate,
Saffold,	Stanford,
Shields,	Trammell,
Smith of Charlton,	Turner,
Smith of Coweta,	Waddell,
Smith of Thomas,	Welch,
Speer,	Whiteley,
Shropshire,	Yeates.

There are yeas 74; nays 70. So the previous question was not sustained.

On the motion to suspend the Rule the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Cobb of Houston,
Alexander,	Costin,
Anderson,	Conley,
Ashburn,	Crumley,
Bedford,	Cotting,
Bentley,	Davis,
Beaird,	Daley,
Baldwin,	Dinkins,
Bell of Oglethorpe,	Edwards,
Bowers,	Ellington,
Bryant,	Gilbert,
Bracewell,	Golden,
Bryson,	Guilford,
Bradley,	Harris of Chatham,
Buchan,	Harris of Newton,
Bullock,	Harrison of Hancock,
Campbell,	Higbee,
Catching,	Hotchkiss,
Caldwell,	Hopkins,
Clift,	Jackson,
Chatters,	Joiner,
Claiborne,	Jones,
Chambers,	Jordan,



Linder,	Richardson,
Lumpkin,	Saulter,
Madden,	Sikes,
Maddox,	Seeley,
Mauil,	Sherman,
McHan,	Stewart,
Minor,	Supple,
McWhorter,	Stone,
Moore of Columbia,	Strickland,
Murphy,	Trawick,
Noble,	Walton,
Palmer,	Wallace,
Pope,	Whitaker,
Potts,	Whitehead of Burke,
Prince,	Whitehead of Butts,
Reynolds,	Williams,
Rice,	Woodey.

Those who voted in the negative, are Messrs.

Akerman,	Fields,
Angier,	Flynn,
Bell of Banks,	Fort,
Bowden of Campbell,	Foster of Morgan,
Bowden of Monroe,	Foster of Paulding,
Bigby,	Gibson,
Blount,	Goodwin,
Brown,	Gove,
Burnett,	Griffin,
Carson,	Harland,
Christian of Newton,	Harrison of Carroll,
Christian of Early,	Higden,
Cooper,	Houston,
Cobb of Madison,	Holcombe,
Crane,	Hooks,
Crawford,	Howe,
Dews,	Hudson,
Dunning,	Hutcheson,
Dunnegan,	Key,



King,	Smith of Charlton,
Knox,	Smith of Coweta,
Lee,	Smith of Thomas,
Mathews,	Speer,
Martin of Carroll,	Shropshire,
Martin of Calhoun,	Shumate,
Martin of Habersham,	Stanford,
Miller,	Stanley,
Moore of White,	Trammell,
Rozar,	Turner,
Roberts,	Waddell,
Robertson,	Welch,
Saffold,	Whiteley,
Shields,	Yeates.

There are yeas 80; nays 66. Less than two-thirds of the members present voting in the affirmative, the motion to suspend the Rule was lost.

Mr. Harris offered a Resolution, which was, on motion, taken up and agreed to, that when on any day the call of the roll should not be completed, it should be resumed at the point where the suspension took place, and not begun *de novo*.

Mr. Maull presented a petition of Dr. J. S. Powell, which was, on motion of Mr. Bedford, referred to the Committee on Petitions, without being read.

Mr. Martin, of Calhoun (Mr. Saffold in the Chair), offered an Ordinance for relief which was read the first time; and the following Ordinance on franchise and other matters therein named, which was ruled out of order by the President *pro tem*, because in the nature of Legislative matter, to-wit:

*Be it Ordained by the people of Georgia, in Convention assembled, That no person shall be entitled to vote at*



any election in this State, or shall hold any office of profit or honor in the same, unless he can read the Bible and the Constitution of this State; provided, that no free person of color shall ever be eligible to any office in this State.

Intermarriage between white persons and persons of color is hereby prohibited, and persons violating this Ordinance, as well as the minister or officer performing the ceremony of marriage, shall be punished by confinement in separate apartments in the Penitentiary, for not less than ten nor more than twenty years, or be banished to Africa or Liberia, on their own expenses, at the option of the parties.

The following Ordinances and Resolutions were offered and read the first time, to-wit:

By Mr. McCay. An Ordinance to impose a tax of ten per cent. on certain debts in this State.

By Mr. Moore, of Columbia. An Ordinance to prohibit the collection of more than twenty-five per cent. of debts contracted prior to the first day of June, 1865.

By Mr. Saulter. A Resolution to provide for the payment of members and officers of this Convention.

By Mr. Smith, of Coweta. An Ordinance for the relief of the people of Georgia, and a Resolution fixing the order of taking up reports.

By Mr. Speer. A resolution instructing the Door-keeper to replace the broken lights in the windows of the north end of the Hall.

By Mr. Supple. An Ordinance on relief.

By Mr. Strickland. An Ordinance on franchise.



By Mr. Trammell. A Resolution to memorialize congress in regard to the establishment of a system of colonization of the colored people of Georgia, by making a donation of some suitable portion of the public lands.

By Mr. Turner. A Resolution instructing the Committee on Executive Department to report a clause creating the office of Lieutenant Governor.

Mr. Rozar offered the following Resolution, which was ruled out of order, because in the nature of Legislative matter, to-wit:

WHEREAS, It is an established and incontrovertible fact that the wealth of a nation, or a people, necessarily originates from the earth upon which they inhabit; and, whereas, it is apparent that the result of the late revolution in the United States of America has produced a radical change pertaining to agriculture in the State or Territory of Georgia; and, whereas, it is considered the deliberations of this body should be for the general good of all citizens which they may represent, irrespective of political differences, and national wealth a paramount consideration. Therefore,

*Be it Resolved, in Convention assembled, by the Representatives of the people of the State or Territory of Georgia, That for the more efficiency, encouragement, and progress of agriculture, all sales of land which may take place at any public outcry, in the State or Territory of Georgia, shall be in tracts not exceeding fifty acres, after the passage and adoption of this Resolution.*

Mr. Smith, of Thomas, offered the following Resolution, which, on motion, was taken up:

WHEREAS, The Convention, by Resolution, determined



that the period for the collection of taxes for 1867, be extended until the first of March, 1868; and, whereas, official notice of the same has not been communicated to the Tax Collectors of the State.

*Resolved*, That one hundred and fifty copies of said Resolution, and this Preamble and Resolution, be printed, and that copies of the same be forwarded by the Secretary of the Convention to each Tax Collector of this State, and said Collectors be, and they are hereby required, to duly observe the same.

Information being given that the statement in the foregoing Preamble relative to the suspension of taxes until March 1st, 1868, was a mistake, the Resolution was, on motion of Mr. Whiteley, laid on the table.

Mr. Waddell offered the following Resolution, which, on motion, was taken up, to-wit:

*Resolved*, 1, That all men, from the highest magistrate to the humblest citizen, who bear true faith and allegiance to the fundamental principles of Republican Government and popular liberty, are entitled to the countenance, sympathy, and encouragement of this Convention.

*Resolved*, 2, That Major-General Winfield S. Hancock, Commander of the Fifth Military District, has shown himself such a man that he is entitled to the thanks of this Convention for his late orders, wherein those principles are so unmistakably avowed, and that this Convention heartily congratulates the people of Louisiana and Texas on their good fortune in having for Military Commander a gentleman who adheres to the great principles of popular liberty as contained in the Constitution



of the United States, and inculcated by the Fathers and Founders of the Republic.

Mr. Bedford moved the indefinite postponement of the Resolution, and called for the previous question, which was sustained.

The main question was then put, and the yeas and nays hereon required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Clift,
Akerman,	Christian of Newton,
Alexander,	Chatters,
Anderson,	Claiborne,
Angier,	Chambers,
Ashburn,	Cooper,
Bedford,	Cobb of Houston,
Bentley,	Cobb of Madison,
Beaird,	Costin,
Baldwin,	Conley,
Bell of Oglethorpe,	Crane,
Bell of Banks,	Crawford,
Bowden of Campbell,	Crayton,
Bowers,	Crumley,
Bigby,	Cotting,
Blount,	Davis,
Bryant,	Daley,
Brown,	Dinkins,
Bracewell,	Dunning,
Bryson,	Dunnegan,
Bradley,	Edwards,
Buchan,	Ellington,
Bullock,	Flynn,
Campbell,	Foster of Morgan,
Carson,	Gilbert,
Catching,	Goodwin,
Caldwell,	Golden,



Guilford,	Prince,
Harris of Chatham,	Reynolds,
Harris of Newton,	Rice,
Harrison of Hancock,	Richardson,
Higbee,	Rozar,
Higden,	Roberts,
Hotchkiss,	Robertson,
Hopkins,	Saulter,
Hutcheson,	Sikes,
Jackson,	Shields,
Joiner ,	Seeley,
Jones,	Sherman,
Jordan,	Smith of Charlton,
Key,	Smith of Thomas,
Knox,	Speer,
Lee,	Shropshire,
Linder,	Shumate,
Lumpkin,	Stewart,
Madden,	Supple,
Maddox,	Stanley,
Maull,	Stone,
Mathews,	Strickland,
Martin of Habersham,	Trawick,
McHan,	Turner,
Minor,	Walton,
Miller,	Wallace,
McWhorter,	Welch,
Moore of Columbia,	Whitaker,
Moore of Pierce,	Whitehead of Burke,
Murphy,	Whitehead of Butts,
Neal,	Whiteley,
Noble,	Williams,
Palmer,	Woodey,
Pope,	Yeates.
Potts,	

Those who voted in the negative. are Messrs.

Burnett,	Fields,
Christian of Earley,	Foster of Paulding,



Gove,	King,
Griffin,	Martin of Carroll,
Harrison of Carroll,	Stanford,
Holcombe,	Trammell,
Hudson,	Waddell.

There are yeas 123; nays 14. So the motion to indefinitely postpone prevailed.

Mr. Whiteley offered the following Resolution, which, on motion, was taken up:

*Resolved*, That all matter touching relief, in the hands of delegates for introduction, except amendments to reports of Committees, be handed by them to the Chairman of the Committee on Relief, and that no such matter be hereafter presented in this Convention.

On motion of Mr. Bradley the Resolution was laid on the table.

Mr. Shropshire, from the Finance Committee, made the following report, which, on motion, was taken up, to-wit:

Your Committee beg leave to report that pretermitt-  
ing any opinion as to the validity of the Constitution of 1865, or the acts of the General Assembly that existed under and by virtue of its authority, we recommend the adoption of the following Resolution:

*Resolved*, That in the opinion of the Convention it is unwise and inexpedient to directly or indirectly interfere with the legislation of the General Assembly, authorizing the issue of bonds for the purpose of paying the indebtedness of the State.

Mr. Harris moved to lay the same on the table for



the present, and that three hundred copies thereof be printed.

Mr. Bryant moved that it be made the special order of the day for to-morrow, as an amendment to the motion of Mr. Harris.

The motion of Mr. Bryant was lost.

The question recurring on the motion of Mr. Harris, it was also lost.

The Resolution was adopted.

Mr. Bryant, from the Committee on Franchise, made the following report, which being read, three hundred copies thereof were ordered to be printed for the use of the Convention:

The undersigned, your Committee on Franchise, having had the subject under consideration, and submit the following report.

## ARTICLE —.

### ELECTIONS.

SEC. 1. In all elections by the people, the electors shall vote by ballot.

SEC. 2. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upward, who shall have resided in this State six months next preceding the election, and shall have resided three months in the County in which he offers to vote, except as herein



after provided, shall be deemed an elector; and every male inhabitant of the age aforesaid, who may be a resident of the State at the time of the adoption of this Constitution, shall be deemed an elector, and shall have all the rights of electors as aforesaid.

*Resolved*, That no soldier or sailor or marine, in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

SEC. 3. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors; but the following classes of persons shall not be permitted to register, vote, or hold office; 1st, Those who may be disqualified from holding office by the proposed amendment to the Constitution of the United States, known as Article XIV, and those who have been disqualified from registering to vote for delegates to the Convention to frame a Constitution for the State of Georgia, under the Act of Congress to "Provide for the more efficient government of the rebel States," passed by Congress March 2, 1867, and the Acts supplemental thereto: *Provided*, That when the Congress of the United States shall remove such disability, all persons affected thereby shall be restored to all the rights and privileges of which they have been restrained by this section: *And provided further*, that such disability shall not disqualify any person as an elector after January 1, 1869. 2d, Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the Penitentiary, or bribery. 3d, Those who are idiots or insane.



SEC. 4. All persons, before registration, must take and subscribe the following oath: "I, -----, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of Georgia; that I am not excluded from registering by any of the clauses of Section 3, Article — of the Constitution of Georgia; that I will never countenance nor aid in the secession of this State from the United States. So help me God."

SEC. 5. Electors shall in all cases, except, treason felony, or breach of the peace, be privileged from arrest and civil process for five days before the first day of election, and two days subsequent to the last day of election.

SEC. 6. It shall be the duty of the General Assembly to enact adequate laws giving protection against the evils arising from the use of intoxicating liquors at elections.

SEC. 7. Returns of elections for all civil officers, elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of the State, unless otherwise provided by the General Assembly.

SEC. 8. It shall be the duty of the General Assembly to enact adequate laws giving protection to electors before, during, and subsequent to elections.

SEC. 9. The election of Governor, Senators and Representatives shall be on the Tuesday after the first Monday in November, unless otherwise provided by the General Assembly.



SEC. 10. All qualified electors, and none others, shall be eligible to any office in this State, unless disqualified by the Constitution of this State, or by the Constitution of the United States.

J. E. BRYANT, Chairman.  
WESLEY SHROPSHIRE,  
N. L. ANGIER,  
JAMES L. DUNNING,  
P. B. BEDFORD,  
PRESLEY YEATES,  
E. S. COBB.

Mr. Parrott moved to suspend the Rule for the purpose of taking up the majority reports on the subject of relief.

Pending discussion on this proposition, the Convention, on motion of Mr. Bedford, adjourned until 10 o'clock a. m., to-morrow.

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ATLANTA, GA., Wednesday, Jan. 15, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read, and Mr. Akerman moved to reconsider so much thereof as relates to the adoption of the Resolution, reported by the Committee on Finance on yesterday. He gave notice that, if his motion prevailed, he would move to amend by adding to the Resolution the following words:

And all such bonds, issued under authority of the bodies acting as the General Assembly of Georgia since



the 25th day of November, 1865, are hereby declared to be binding upon the State.

On motion of Mr. Dunning, the motion to reconsider was laid on the table.

Mr. Caldwell, from the Committee on Education, presented the following report, which was read, and five hundred copies thereof ordered to be printed for the use of the Convention, to-wit:

The Committee on Education have had under consideration the matters relating to the interests of Education, and beg leave to submit the following report:

## ARTICLE V.

### EDUCATION.

Knowledge and Learning, as well as Virtue and Religion, being essential to the highest welfare of a community, and diffusing the advantages and opportunities of Education throughout the State being highly conducive thereto, it shall be the duty of the General Assembly, at as early a day as convenient after the adopting of this Constitution, to provide for carrying into effect the following General Plan of Education:

SEC. 1. The system of Education in this State shall comprehend one general and complete establishment, and shall consist of a University, at Athens, or such other locality as may be designated by law, with such Schools as have been or may hereafter be connected therewith; of a Normal School, for training teachers; and of such Free Common Schools, graded Schools and Academies as may be necessary to educate all the inhabitants of the



State, without partiality or distinction, between the ages of six and twenty-one years, and such education shall be free of charge for tuition at least five months in the year.

SEC. 2. Separate departments in all the Public Institutions of the State, and separate Schools, may be established by law, for such scholars as may be required to occupy such separate departments or Schools: *Provided*, That no partiality shall be shown in such regulations.

#### BOARDS OF EDUCATION—HOW COMPOSED.

SEC. 3. This general educational establishment shall be under the superintendence and control of a Board of Education, consisting of a Superintendent of Public Instruction, who shall be President of the Board, the Chancellor of the University, provided for in Section 1 of this Article, who shall be Vice President, and two members elected from each Congressional District. Said Board shall be subject to, and each member thereof impeachable by, the General Assembly.

#### THE BOARD A CORPORATE BODY—NAME AND STYLE.

SEC. 4. The Board of Education shall be a body corporate, under the name and style of "The Board of Regents of the State of Georgia."

SEC. 5. Two members of the Board of Regents shall be elected by the legal voters of each Congressional District, and hold their office for the term of four years, or until their successors shall be qualified; and one half of them, at least, shall each have received, prior to his elec-



tion, the Degree of Master of Arts from some chartered College or University. After the first election under this Constitution the Board shall be divided into equal classes, so that each class shall consist of one member from each district. The seats of the first class shall be vacated at the expiration of two years, so that one-half shall be chosen biennially, and in such manner as that there shall never be less than one half of them Masters of Arts.

STATE SUPERINTENDENT—ELECTION, QUALIFICATIONS,  
AND DUTIES.

SEC. 6. The Superintendent of Public Instruction shall have the general supervision of all the Public Schools, and perform such other duties as may be imposed upon him by the Board and by the laws of the State. He shall be elected at the same time and in the same manner, and hold his office for the same time as the Governor of the State; and prior to his election shall have received from some chartered College or University the Degree of Master of Arts. He shall receive such salary, and such travelling and incidental expenses, and such clerical assistance as may be fixed by law, and have his office at such place as the Board of Regents, with the approval of the General Assembly, may determine.

ANNUAL MEETING OF BOARD.

SEC. 7. The Board of Regents shall meet annually at the seat of Government at the same time as the General Assembly; but no session shall continue longer than twenty days; nor shall more than one session be held in the same year, unless authorized by the Governor. The



members shall receive the same mileage and daily pay as the members of the General Assembly.

#### BOARD TO FRAME A GENERAL SCHOOL LAW.

SEC. 8. The Board of Regents shall, at their first session after the adoption of this Constitution, proceed to frame a Public School Law for this State, providing for the complete establishment of all the Institutions herein enumerated, and the most efficient government of the same, and for such courses and methods of instruction, and such Subordinate Boards as may be deemed necessary to carry into effect this plan of General Education. The Board shall also make By-Laws for its own government, and shall submit all its acts for approval, amendment, or rejection, to the General Assembly.

SEC. 9. No Institution of Learning shall ever receive any aid, directly or indirectly, from the State, that is not subordinate in all respects to the Board of Regents.

SEC. 10. The Educational Fund of this State shall be made up of all the Corporation Stocks of the State; of the entire net income of the Western & Atlantic Railroad; of all lands, moneys, or other property donated by deed, will, or otherwise, to the State for purposes of education, of all swamp lands and other lands now belonging, or which may hereafter belong to the State, and of all lands which may escheat to the State; of all grants of land, money, or other appropriations which have been or may be made to the State by the United States for purposes of education; of all moneys paid to the State as an equivalent for exemption from military service, or as militia fines; of moneys derived from such specific tax as



the General Assembly may levy upon all corporations, except eleemosynary corporations; on all foreign bank and exchange agencies, and on all foreign bank bills issued in the State by any corporation, partnership or persons; of moneys raised by a poll tax, not exceeding two dollars on each qualified voter; and of such surplus as may remain in the State Treasury at the close of each political year, after all expenses, ordinary and extraordinary, of the Government have been paid. This fund shall remain forever inviolable for education.

SEC. 11. The Public School Fund of this State shall be held by such persons as the General Assembly may designate, who shall be required to give a bond for such amount, and with such good and sufficient surety as may be required, and pay out the same only on the warrant or draft of the Superintendent of Public Instruction. He shall be required to keep the same safely deposited in such bank or banks, and at such place or places as the General Assembly may direct; and no portion of such fund shall ever be sent to the counties, or placed in the hands of county officers for disbursement.

SEC. 12. The Superintendents shall issue warrants or drafts on the Treasurer of the Educational Fund only on such vouchers as the laws may require.

SEC. 13. The General Assembly shall provide for an effectual system of visitation to all the institutions herein enumerated, in order to carry out the true intent and design thereof; and Boards and Officers herein provided for shall be held to a strict responsibility for the faithful discharge of their duties, jointly and severally.



SEC. 14. The General Assembly shall never authorize the sale of the Western and Atlantic Railroad.

In behalf of the Convention.

J. H. CALDWELL, Chairman.  
J. H. FLYNN,  
THOMAS GILBERT,  
O. H. WALTON,  
J. W. TRAWICK,  
H. M. TURNER,  
T. G. CAMPBELL.

On motion of Mr. Martin, of Habersham, the Rules were suspended for the purpose of enabling him to offer the following Resolution:

*Resolved, by this Convention,* That General Meade be, and he is hereby requested, to order the Treasurer of the State of Georgia to deposit in the hands of N. L. Angier, the Disbursing Agent, subject to the order of the Convention, funds sufficient to pay all expenses of the Convention.

*Resolved,* That the Secretary furnish General Meade, at once, with a copy of this Resolution.

Mr. Waddell offered the following substitute:

WHEREAS, The provision made in the Act of Congress, whereunder this Convention is called, for the payment of the fees, salary, expense, and compensation of the officers and delegates to this Convention only authorize this Convention to provide for the levy and collection of such taxes on the property of the State as may be necessary therefor; and whereas, the necessities of the officers and delegates to the Convention call for the pay-



ment of their dues at an earlier day than such collection of taxes can be made; therefore, be it

*Resolved*, That the Federal authorities be respectfully requested to authorize such advance of money as may be necessary to defray the expenses, to be made to the Disbursing Officer of this Convention for the purpose above indicated.

The substitute was withdrawn by the mover for the present, and the original Resolution of Mr. Martin adopted.

Mr. Trammell, from the Committee on Privileges and Elections, submitted the following report, and also laid before the Convention the evidence upon which said report was predicated:

*Mr. President:*

The Committee on Privileges and Elections beg leave to report: That they have had under consideration the case of J. R. Griffin and Isaac H. Anderson, of the Twenty-third District, and submit the following as the evidence and the facts considered by your Committee in the investigation of the same:

The principal ground relied upon by Mr. J. R. Griffin is, that Isaac H. Anderson, was one of the Board of Registrars of the Twenty-third District, and ineligible by order of General Pope. Your Committee are of the opinion that the said Isaac H. Anderson is rendered ineligible by the order of General Pope, which declares "That no Registrar, who is a candidate for election as a delegate to the Convention, shall serve as a Judge of the election in any county which he seeks to represent."



Your Committee would recommend the adoption of the following Resolution:

*Resolved*, That Isaac H. Anderson, who occupies a seat on this floor, is ineligible, and is, therefore not entitled to the same.

*Resolved*, It appearing that J. R. Griffin having received the next highest number of votes cast, that he is hereby entitled to a seat upon this floor.

On motion of Mr. Bryant, the reading of the evidence accompanying the foregoing report was dispensed with.

On motion of Mr. Bradley, the Rule was suspended, when he offered the following Resolution, which was taken up, read, and agreed to, to-wit:

*Resolved*, That the delegates of the people of Georgia, in Convention assembled, do request the Major-General in command to have examined all the jails and other prisons, and have released therefrom all persons unlawfully deprived of their liberties, and all persons tried *ex parte*, the right of appeal denied, and bail refused in violation of the Constitution and Laws of the United States and the State of Georgia.

On motion of Mr. Richardson, the Rule was suspended, and the Convention went into Committee of the Whole (Mr. Shropshire in the Chair) on the report of the Committee on Bill of Rights.

The preamble was, on motion, taken up, and read as follows:

We, the representatives of the people of the State of Georgia, in Convention assembled, to secure all citizens thereof the enjoyment of life, liberty, and property, and



of pursuing happiness, do ordain and establish this Constitution for its government.

Mr. Conley moved to amend the preamble by inserting after the word "happiness" the words "In reliance upon Almighty God."

Mr. Bell, of Banks, proposed to amend by inserting after the word "happiness" the following words: "Invoking the favor and guidance of Almighty God."

Mr. Waddell offered the following as a substitute for the preamble and proposed amendments:

We, the people of the State of Georgia, in order to form a permanent government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, acknowledging and invoking the guidance of Almighty God, the Author of all good government, do ordain and establish this Constitution for the State of Georgia.

Mr. Higbee offered the following as a substitute for the original, the amendments, and the foregoing substitute:

We, the people of Georgia, grateful for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

On motion of Mr. Bryant, the substitute of Mr. Higbee was laid on the table.

Mr. Speer proposed the following as a substitute:

We, the people of Georgia, in order to form a perfect government, establish justice, insure domestic tranquility, and secure the blessings of civil liberty to ourselves and posterity, acknowledging and imploring the



aid and guidance of God, the Author and Founder of all good government, do ordain and establish this Constitution for the State of Georgia.

Mr. Whiteley offered the following as a substitute:

We, the people of Georgia, in order to secure to ourselves and our posterity the blessings of free government, do, invoking the guidance of Almighty God, ordain and establish this Constitution for the people of Georgia.

Mr. Bradley moved to amend the original preamble by striking out the words "representative," "Convention assembled," and "order," and inserting after the word "happiness" the words "in reliance on Almighty God."

On motion, this amendment was laid on the table.

The substitute of Mr. Waddell was, on motion, adopted.

On motion of Mr. Clift, the caption was amended by striking out the words "the Constitution and Preamble," and filling the blank with the words "Preamble to the Constitution." Also, by inserting between the preamble and the words "Article I" the following words: "Constitution of the State of Georgia."

The Declaration of Rights was taken up by sections.

Mr. Whiteley offered the following as a substitute for Sections 1 and 2:

Impartial protection to person and property is the duty of Government: allegiance thereto and obedience to the laws thereof the duty of the citizen.

Mr. Higbee offered the following as a substitute for the substitute of Mr. Whiteley and Sections 1 and 2.



Government originates from the people, and is instituted for the protection of life, of personal freedom, of property, of reputation, and of religion; from foreign and domestic attacks; and it is the right and duty of the people to modify or reform their Government in such manner as they may deem expedient, whenever the public good may require it.

The foregoing substitutes of Mr. Whiteley and Mr. Higbee were laid on the table.

Mr. Akerman offered the following as a substitute for the first section:

Protection to person and property is the paramount duty of Government, and shall be impartial and complete.

The same was adopted.

Mr. Bryant moved to strike out the whole of the second section. The motion prevailed.

Mr. Campbell moved to fill the blank with the following:

No discrimination on account of color or previous condition shall be made in this State.

Mr. Bryant proposed to fill the blank with the following:

That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Georgia, possessing equal, civil, and political rights and public privileges.



Mr. Campbell withdrew his substitute, and, on motion of Mr. Akerman, that of Mr. Bryant was laid on the table for the present, subject to the call of the mover, and two hundred copies thereof ordered to be printed for the use of the Convention.

The third section was adopted without amendment.

Mr. Conley moved to strike out all after the word "debt," in the fourth section.

Mr. Clift proposed to amend the amendment of Mr. Conley by adding, after the word "debt," in said fourth section, the words "except when the debtor resides beyond the limits of the State, or is about to remove therefrom."

Pending action on said amendments, the Committee, on motion of Mr. Bryant, rose, and through their Chairman reported the subject matter back to the Convention, with their action thereon.

On motion of Mr. Campbell, the Rules were suspended, when he offered the following Resolution, which was taken up, read, and agreed to, to-wit:

*Resolved*, That a copy of the Resolution introduced this day by the delegate from Chatham, Mr. Bradley, in relation to the jails of this State, and the discharge therefrom of such persons as are held contrary to the Constitution of the United States, be transmitted to the General commanding the District.

The hour of adjournment having arrived, the President declared the Convention adjourned until 10 o'clock a. m., to-morrow.



ATLANTA, GA., Thursday, Jan. 16, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Leave of absence was granted Messrs. Lott and Casey on account of sickness. Also, to Mr. Akerman, on special business.

Mr. Higbee, from the Committee on Enrollment, made the following report:

*Mr. President:*

The Committee on Enrollment report that the following Ordinances and Resolutions have been duly enrolled and are ready for the signature of the President and the attestation of the Secretary, to-wit:

A Resolution allowing representatives of the Press seats in the Convention.

A Resolution to print three hundred copies of the Standing Committees.

A Resolution for the appointment of a Committee to inquire into the powers of this Convention.

A Resolution to allow proprietors and reporters of the press seats in the Convention.

A Resolution appointing a Committee of seven to notify General Pope of the organization of the Convention, and invite his attendance.

A Resolution instructing the Secretary to transmit a copy of the proceedings of this body relative to the appointment of a Provisional Governor.



A recommendation to General Pope to appoint a Provisional Governor.

A Resolution inviting Generals Pope and Sibley, their staff officers; Colonel Hulbert and staff; Governors and ex-Governors, to seats on the floor of the Convention.

A Resolution tendering the thanks of the Convention to General Pope.

A Resolution adding to the Committee on Relief Hons. C. H. Hopkins, Foster Blodgett, and N. P. Hotchkiss.

A Resolution appointing a Committee to receive and welcome General Pope.

A Resolution of thanks to the General Government for its magnanimity, generosity, and leniency toward the people of Georgia.

A Resolution relative to the paying of the expenses of the Convention.

Mr. Miller, from the Committee on the Militia, offered the following report, which was read:

*Mr. President:*

The Committee on Militia ask leave to report the following propositions—to be inserted in the Constitution:

## ARTICLE —.

### MILITIA.

SEC. 1. The Militia shall consist of all able-bodied male persons between the ages of eighteen and forty-five



years, except such as may be exempted by the laws of the United States or this State; and shall be organized, officered, armed, equipped, and trained in such manner as may be provided by law, subject to the paramount authority of Congress over this subject.

SEC. 2. Volunteer Companies of Cavalry, Infantry or Artillery may be formed in such manner, and with such restrictions as may be provided by law.

SEC. 3. No person conscientiously opposed to bearing arms shall be compelled to do Militia duty, but such persons shall pay an equivalent for exemption; the amount to be prescribed by law and appropriated to the Common School Fund.

H. V. M. MILLER, *Chairman*.

The Rule was suspended, on motion of Mr. Dunning, when he offered the following Resolution, which, on motion, was taken up, read, and agreed to:

*Resolved*, That the Chair appoint a Committee of five on Miscellaneous matters, pertaining to the Constitution.

The President announced the following as the Committee appointed under the foregoing, to-wit: Messrs. Dunning, Crane, Bigby, Rice and Holcombe.

The Convention, on motion, went into Committee of the Whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights, resuming the consideration of the fourth section thereof, with the proposed amendments of Mr. Conley and Mr. Clift.

Mr. Clift asked permission to withdraw the amendment proposed by him, which was unanimously given.



The amendment of Mr. Conley was then adopted.

The fourth section, as amended, reads:

There shall be no imprisonment for debt.

The same, as amended, was adopted.

On motion of Mr. Bryant, the Committee rose, and through their Chairman reported the Bill of Rights back to the Convention with further progress, and asked leave to sit again; which, on motion, was granted.

The hour of adjournment having arrived, the President declared the Convention adjourned until 10 o'clock a. m., to-morrow.

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ATLANTA, GA., Friday, Jan. 17, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

On motion of Mr. Miller, five hundred copies of the report of the Committee on Militia were ordered to be printed for the use of the Convention.

On motion of Mr. Potts, the Rule was suspended, when he offered the following Resolution:

*Resolved*, That this Convention do unanimously tender their thanks to General Meade, Military Commander of the Third Military District, for the course he is pursuing in regard to Reconstruction.

Mr. Harris, of Newton, moved to lay the same on the table for the present. The motion was lost.



On motion of Mr. Akerman, the words, "is pursuing" were stricken out, and the words "has pursued" inserted.

The Resolution, as amended, was adopted.

Leave of absence was granted Messrs. Brown of Henry, Buchan, Bowden, Potts, Foster of Morgan, Bigby, Yeates, Harris of Chatham, and Crumley.

The President laid before the Convention a communication from William A. Haun to the Hon. H. H. Starkweather.

On motion of Mr. Bryant, the Convention went into Committee of the Whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights.

On motion of Mr. Parrott, the Committee adopted the Rules of the House of Representatives of the United States as applicable to the Committee of the Whole, except that portion which limits debate.

The Committee resumed consideration of the Bill of Rights; the fifth section thereof being first in order.

Said section was adopted without amendment.

The sixth section was, on motion of Mr. Bell, of Banks, amended by adding, after the word "rebellion," the words "or invasion."

The same, as amended, was adopted.

Section seven was amended, on motion of Mr. Akerman, by adding thereto the following:

But the General Assembly shall have power to prescribe by law the manner in which arms may be borne by private persons.



The same, as amended, was adopted.

On motion of Mr. Bryant, the Committee rose, and through their Chairman reported the Bill of Rights back to the Convention with further progress, and asked leave to sit again, which, on motion, was granted.

Mr. Prince moved that, when the Convention adjourn, it adjourn until 10 o'clock Monday morning. The motion was lost.

On motion of Mr. Bryant, the following Resolution, offered by Mr. Bell, of Banks, was taken up, and referred to the Committee on Corporations:

*Resolved*, That there be incorporated in the Constitution a clause requiring the General Assembly to foster important works of internal improvement, and particularly the Air Line Railroad, by aid from the Treasury, or from the credit of the State.

Mr. Harris, from the Committee on Printing, made the following report, which was taken up and read, to-wit:

*Mr. President:*

The Committee on Printing to whom was referred a Resolution directing the employment of three competent Reporters, to report the proceedings of this Convention, and to provide for the publication of the same in one or more papers of Atlanta, and to furnish delegates with copies of the same, beg leave to report: That three Phonographic Reporters have been engaged from New York, and left that city for Atlanta on the 16th, and will, in all probability, commence their duties on Monday next. The Committee determined and recommend that the



daily proceedings be published in the *Atlanta New Era* and *Opinion*, and that one copy of each paper be furnished each delegate during the session.

The Committee would also report that the daily Job Printing of the Convention is ordered to be equally divided between the offices of the *New Era* and *Opinion*.

Respectfully submitted,

A. L. HARRIS,

Chairman Committee on Printing.

The foregoing report was taken up; but before any further action thereon, the hour of adjournment arrived, and the President declared the Convention adjourned until 10 o'clock a. m., tomorrow.

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ATLANTA, GA., Saturday, Jan. 18, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Dr. Young.

The Journal was read, and Mr. Richardson moved the reconsideration of so much thereof as relates to the action of the Convention on yesterday into going into Committee of the Whole.

On motion of Mr. Bedford the roll was called.

A quorum was found present.

Mr. Richardson was permitted to withdraw his motion to reconsider.

Mr. Blount moved a suspension of the Rule for the purpose of offering a Resolution referring the report of Committee on Privileges and Elections in the case of J. R. Griffin and Isaac H. Anderson, to General Meade.



Mr. Trammell proposed to amend the motion of Mr. Blount by taking up the report and acting on it finally.

The amendment was accepted.

Mr. Bryant moved to amend by suspending the two first Rules in the Order of the Day.

The same was lost, there not being two-thirds of the members present voting in the affirmative.

The motion of Mr. Trammell was also lost for the same reason.

The following communication from General Meade was laid before the Convention by the President:

HEADQUARTERS THIRD MILITARY DISTRICT.

(Georgia, Alabama, and Florida),

ATLANTA, GA., Jan. 17, 1868.

*Hon. J. R. Parrott, President of the Constitutional Convention of the State of Georgia:*

DEAR SIR: I have the honor to acknowledge the receipt of a copy of a Resolution, adopted the 15th inst., by the Convention, of which you are President, requesting me to order the Treasurer of the State of Georgia to deposit in the hands of Hon. N. L. Angier, the Disbursing Agent of the Convention, subject to its order, funds sufficient to pay all the expenses of the Convention.

I have this day received information from the Treasurer that there are no funds in the Treasury at Milledgeville. I have also been recently informed that some of the public institutions of the State have been suffering on account of the non-payment of the appropriations for



their support. Whether this failure of payment has been on account of the want of means in the State Treasury, or for other reasons, I am not at present advised.

I shall use my best efforts to secure, without delay, the means of paying the incidental expenses of the Convention, and at least a portion of the per diem and mileage of the members.

If I find, on investigation, that any funds which should be in the State Treasury have been placed beyond my reach, I may deem it necessary to suspend, temporarily, the payment of a portion of the current salaries of all officers who receive their pay either from the State Treasury or the State Road.

You will perceive, from the facts above stated, that it is out of my power, at present, to comply with the request of the Convention, much as I desire to do so. In lieu of granting this authority, I respectfully request that the requisitions of your Disbursing Agent may be sent to me, for my approval, that I may see that such funds of the State as may become available, be properly distributed according to the public necessities.

I am, sir, very respectfully, your obedient servant,

GEORGE G. MEADE,

*Major-General Commanding.*

Mr. Waddell moved a suspension of the Rule for the purpose of offering the Resolution offered by him, and withdrawn, previously, respecting the means of obtaining money to defray the expenses of the Convention.

The motion to suspend did not prevail.



Mr. Whitehead moved a suspension of the Rule, in order to introduce a Resolution for the appointment of a Committee to examine into and report upon the Comptroller General and Treasurer's Books, at Milledgeville.

The motion was lost.

The unfinished business being the report of the Committee on Printing relative to employing three Reporters for the Convention, and for other purposes, was taken up, and, on motion of Mr. Bryant, laid on the table for the present.

Mr. Bryant moved to suspend the Rule in order to take up the seventh Order of the Day.

The motion was lost.

On motion the Convention went into Committee of the Whole on the report of the Committee on Bill of Rights.

Mr. Conley in the Chair.

Section eight being first in order, was, on motion of Mr. Miller, amended by striking out the word "nor" and inserting in lieu thereof the word "or."

This section, as amended, was adopted,

Section nine was adopted without amendment.

The following, offered as a substitute for the tenth section, by Mr. Stanford, was adopted:

In all criminal prosecutions the truth may be given in evidence, and the jury shall have the right to judge of the law and facts.

Pending a motion to adopt the tenth section, as amended, the hour of adjournment arrived, and the



Chairman of the Committee yielded the Chair to the President, who declared the Convention adjourned until 10 o'clock a. m., Monday.

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ATLANTA, GA., Monday, January 20, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The roll was called, and a quorum found present.

The Journal was read.

The President laid before the Convention the following Order of General Meade, which was read:

HEADQUARTERS THIRD MILITARY DISTRICT

(Dep't. of Georgia, Alabama, and Florida),

ATLANTA, GA., Jan. 16, 1868.

*General Orders, No. 11.*

I. WHEREAS, The Constitutional Convention of the State of Georgia, now in session in this City, adopted on the 12th day of December, 1867, the following Preamble and Ordinance:

WHEREAS, The question of affording some relief to the people of Georgia, from the burden of indebtedness which is now oppressing them, is likely to be acted upon by this Convention at some future day; and, whereas, large amounts of property are now levied on and about to be sacrificed at Sheriff's sales; and, whereas, the debtors in such cases should be entitled to the benefits which



may be conferred on other debtors by the future action of this Convention. Therefore,

*Be it Ordained by the people of Georgia in Convention assembled, and it is hereby Ordained by the authority of the same.* That from and after the passage of this Ordinance, all levies which have or may be made, under execution issued from any Court of this State, shall be suspended until this Convention shall have taken, or refused to take, final action upon the matter of relief; and that all sales, under execution, in violation of this Ordinance, shall be null and void, and of no effect.

II. Therefore, by virtue of the plenary powers vested by the Reconstruction Acts of Congress in the Commanding General of the Third Military District, and for the temporary relief of the people of Georgia, it is ordered, that said Ordinance shall, from this date, be deemed to have taken effect in said State, and shall continue in full force and validity until said Convention shall have taken, or refused to take, final action upon the matter of relief; or until further orders from these Headquarters: *Provided*, That this order shall not apply to executions issued or to be issued on judgments in favor of laborers or mechanics for services rendered since July 21st, 1865, nor to executions for the collection of taxes.

By order of Major-General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

Mr. Conley, Chairman of the Committee of the Whole, resumed the Chair, when the Committee proceeded with the consideration of the Bill of Rights, the question of adopting the tenth section thereof being the first in order.



On motion of Mr. Miller the substitute adopted in lieu of the tenth section, on Saturday, was stricken out.

On motion of Mr. Bryant the blank was filled with the tenth section as reported by the Committee on Bill of Rights, which reads as follows :

In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts.

The same was adopted.

Section eleven was, on motion of Mr. Bradley, amended by striking out the words "of public interest," and on motion of Mr. Blodgett by striking out the words "of legitimate cognizance," and adopted with said amendments.

On motion of Mr. Ashburn the Committee rose, and through their Chairman reported the matter under consideration back to the Convention, with further progress, and asked leave to sit again, which, on motion was granted.

Mr. Bryant moved a suspension of the Rule for the purpose, of taking up a Resolution of Mr. Ashburn, asking Congress to confer certain powers upon the Convention.

The motion did not prevail.

Mr. Ashburn gave notice that he would, on to-morrow, move to amend the twenty-third Rule, so as to provide that the Rule may be suspended by a majority of the members present.

On motion of Mr. Martin, of Habersham, the Rule



was suspended, when he offered the following, which was taken up, read, and agreed to :

*Resolved, by the Convention, That the proposition of Mr. Hopkins, to negotiate a loan of Forty Thousand Dollars from Northern capitalists, to defray the temporary expenses of this Convention, is cordially approved, and that the same should be carried into immediate effect by the Finance Committee.*

Mr. Ashburn moved a suspension of the Rule for the purpose of introducing a Preamble and Resolutions requesting General Meade to restore property to defendants, and hold Sheriffs and all officials to account for their official acts, under an Ordinance passed by this Convention for temporary relief.

The motion to suspend did not prevail.

Mr. Bryant moved to suspend the Rule (Mr. Blount in the Chair), in order to take up a Resolution of Mr. Ashburn, requesting Congress to confer on this Convention similar powers to those conferred on District Commanders in section second of the Supplemental Reconstruction Act, passed July 19, 1867, for which had been previously offered a substitute by Mr. Trammell, an amendment by Mr. Akerman, and a substitute by Mr. Whiteley.

The motion to suspend the Rule prevailed.

Pending the question of adopting the substitute of Mr. Whiteley, Mr. Parrott having the floor, the hour of adjournment arrived, and the President *pro tem.* declared the Convention adjourned until 10 o'clock a. m., to-morrow.



ATLANTA, GA., Tuesday, Jan. 21, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The unfinished business of yesterday was resumed, to-wit: the Resolution of Mr. Ashburn asking Congress to confer powers on the Convention similiar to those conferred on Military Commanders in the second section of the Supplemental Reconstruction Acts, and the substitutes and amendment therefor, the first question in order being the adoption of the substitute offered by Mr. Whiteley.

Mr. Conley called for the previous question, which was sustained.

The main question was then put, to-wit: the question of adopting the substitute of Mr. Whiteley in lieu of the original by Mr. Ashburn.

Upon this proposition the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Alexander,	Brown,
Bedford,	Bracewell,
Bentley,	Bryson,
Beaird,	Carson,
Baldwin,	Catching,
Bell of Oglethorpe,	Casey,
Bowden of Campbell,	Caldwell,
Bowers,	Clift,
Blodgett,	Chambers,
Blount,	Cooper,
Bryant,	Costin,



Cole,	Martin of Habersham,
Conley,	McHan,
Crane,	McCay,
Crawford,	Minor,
Crayton,	Miller,
Davis,	Moore of White,
Daley,	Moore of Columbia,
Dinkins,	Noble,
Dunning,	Palmer,
Dunnegan,	Pope,
Edwards,	Powell,
Ellington,	Reynolds,
Gilbert,	Rice,
Golden,	Richardson,
Guilford,	Rozar,
Harris of Newton,	Roberts,
Harrison of Hancock,	Sikes,
Higbee,	Shields,
Higden,	Seeley,
Hotchkiss,	Sherman,
Holcombe,	Smith of Charlton,
Hopkins,	Smith of Coweta,
Howe,	Stewart, Supple,
Hudson,	Stone,
Jackson,	Strickland,
Joiner,	Turner,
Jones,	Walton,
Jordan,	Wallace,
Key,	Whitaker,
Linder,	Whitehead of Burke,
Lott,	Whitehead of Butts,
Lumpkin,	Whiteley,
Madden,	Williams,
Maddox,	Woodey,
Maull,	Wooten,
Mathews,	Yeates.



Those who voted in the negative, are Messrs.

Adkins,	Harland,
Ashburn,	Harrison of Carroll,
Bell of Banks,	Houston,
Bradley,	Hooks,
Burnett,	Hutcheson,
Campbell,	King,
Cameron,	Knox,
Christian of Newton,	Lee,
Christian of Early,	Martin of Carroll,
Chatters,	Martin of Calhoun,
Claiborne,	Saulter.
Cobb of Houston,	Smith of Thomas,
Dews,	Speer,
Flynn,	Shumate,
Fort,	Stanford,
Foster of Paulding,	Stanley,
Gibson,	Trammell,
Goodwin,	Trawick,
Griffin,	Waddell.

There are yeas 95; nays 38. So the substitute of Mr. Whiteley was adopted as a substitute for the original.

The yeas and nays were demanded on the question of the final adoption of the foregoing substitute.

Those who voted in the affirmative, are Messrs.

Adkins,	Blodgett,
Alexander,	Blount,
Anderson,	Bryant,
Ashburn,	Brown,
Bedford,	Bracewell,
Bentley,	Bryson,
Beaird,	Campbell,
Baldwin,	Carson,
Bell of Oglethorpe,	Catching,
Bowers,	Casey,



Caldwell,	Mathews,
Clift,	Martin of Habersham,
Chatters,	McHan,
Claiborne,	Minor,
Chambers,	Moore of White,
Cobb of Houston,	Moore of Columbia,
Costin,	Noble,
Conley,	Palmer,
Crane,	Pope,
Crawford,	Potts,
Crayton,	Fowell,
Davis,	Reynolds,
Daley,	Rice,
Dinkins,	Richardson,
Dunning,	Rozar,
Dunnegan,	Roberts,
Edwards,	Sikes,
Ellington,	Shields,
Gilbert,	Seeley,
Golden,	Sherman,
Guilford,	Smith of Charlton,
Harris of Newton,	Stewart,
Harrison of Hancock,	Supple,
Higbee,	Stone,
Higden,	Strickland,
Hotchkiss,	Turner,
Hopkins,	Walton,
Jackson,	Wallace,
Joiner,	Whitaker,
Jones,	Whitehead of Burke,
Jordan,	Whitehead of Butts,
Knox,	Whiteley,
Linder,	Williams,
Lumpkin,	Woodey,
Madden,	Yeates.
Maull,	



Those who voted in the negative, are Messrs.

Bell of Banks,	Hudson,
Bowden of Campbell,	Hutcheson,
Bradley,	Key,
Burnett,	King,
Cameron,	Lee,
Christian of Newton,	Lott,
Christian of Early,	Maddox,
Cooper,	Martin of Carroll,
Cole,	Martin of Calhoun,
Dews,	McCay,
Flynn,	Miller,
Fort,	Saulter,
Foster of Poulding,	Smith of Coweta,
Gibson,	Smith of Thomas,
Goodwin,	Speer,
Griffin,	Shumate,
Harland,	Stanford,
Harrison of Carroll,	Stanley,
Houston,	Trammell,
Holcombe,	Trawick,
Hooks,	Waddell,
Howe,	Wooten.

There are yeas 91; nays 44. So the same was finally adopted. and is as follows, to-wit:

WHEREAS, The Reconstruction Acts recognize the existence of a Government within the limits of Georgia, subject to the Military Commander of the District and the paramount authority of Congress, under which certain officials hold office; and, whereas, the time for which said officials were elected, as set forth in the laws allowed to operate within said limits has expired, and said officials hold only by reason of a failure to provide their successors; and, whereas, a great many of said officials are hostile to, and are insiduously using their



influence against the restoration of Georgia to the Union, and by so doing are not only seriously retarding the work of Reconstruction, but also materially affecting the prosperity of the State. Therefore,

*Resolved*, That the Convention do hereby request the Legislative Department of the Government of the United States to authorize this body to declare vacant the Chief Executive office of the State, and to fill the same, as well as to provide for the removal, through the Chief Executive office of the State thus selected, of all persons who are hostile to Reconstruction, and the filling of such vacancies by said Executive.

*Resolved*, That the Convention in justice to the friends of Reconstruction, under the Reconstruction Acts, do hereby request the Department aforesaid to relieve all such of existing disabilities, that they may be eligible to fill the vacancies thus created.

*Resolved*, That the Convention do further request the modification of the Test Oath, so as to admit of all persons who have aided or abetted the late war against the United States holding office therein; *provided*, such persons heartily regret the past, and are earnestly attached to, and determined to labor for, the re-union of the States on the basis of the Reconstruction Acts.

*Resolved*, That a copy of the foregoing preamble and Resolutions be forwarded by the President of the Convention to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives.

#### PROTEST OF MR. ASHBURN.

The undersigned desires to enter his protest against



a portion of the Resolution adopted on the 21st inst., in relation to the establishment of a Civil Government for the State or Territory of Georgia.

One of the Resolutions referred to asks the Congress of the United States to modify the Test Oath, so that certain persons whom it mentions as having participated in the late rebellion, may hold office under the Provisional Government which it is proposed to establish.

To such modification, or any modification of said oath, the undersigned is unalterably opposed.

The enemies of the Government have laid down their arms; the *ideas* which animated them are still alive. The sword wielded by the Nation in the recent conflict established no principle; it simply demonstrated a fact, namely, that the Constitutional Government of the United States was more powerful than those who sought its overthrow. A war of *ideas* preceded the conflict of arms; a war of *ideas* follows that conflict. It is the solemn duty of the Nation to prevent that strife ever again being transmitted to the field of battle, to deluge the land in blood and clothe its homes in mourning and woe. To prevent this, it must keep from place and power those who still hold to the pernicious *ideas* which brought on the war. For this purpose the Test Oath is an effective instrument; it furnishes, in some measure, that security for the future which it is the part of wisdom to demand. and which it would be the height of folly to neglect.

I, therefore, respectfully but earnestly protest against so much of the action of this body, above referred to, as asks of Congress a modification of the Test Oath.

G. W. ASHBURN.



Mr. Bryant rose to a personal explanation of his vote on the final adoption of the foregoing Resolutions, stating that while in the main they received his sanction, he did not approve the sweeping provision for the removal of political disabilities.

Mr. Campbell voted under a protest against the same feature in the Resolutions which was protested against by Mr. Ashburn.

Mr. Higbee, from the Committee on Enrollment, made the following report:

*Mr. President:*

The Committee on Enrollment report that the following Ordinances, Resolutions, and Reports have been duly enrolled, and are now ready for the signature of the President and the attestation of the Secretary, to-wit:

A Resolution tendering to Major-General Meade and his staff officers seats on the floor of the Convention.

A Resolution appointing a Committee to petition for the relief of certain persons in this State from political disabilities.

A Resolution appointing a Sub-Committee to report the names of such persons in their Districts as are worthy of clemency.

A Resolution to print one hundred and fifty copies of the Relief Ordinance, and to forward the same to the Sheriffs of the State.

A Resolution appointing a Committee on Miscellaneous Matter.

A Resolution appointing a Committee to receive General Meade.



A Resolution directing the Committee on Printing to employ three Reporters for the Convention.

A Resolution requesting the Secretary to furnish Major-General Meade with a certified copy of a Resolution requesting a release of the prisoners unlawfully confined in this State.

A Resolution requesting General Meade to release prisoners unlawfully confined in the State of Georgia.

A Resolution of thanks to General Meade.

Report of the Finance Committee.

A Resolution requesting General Meade to order the Treasurer of Georgia to deposit funds in the hands of N. L. Angier to pay the expenses of the Convention.

A Resolution authorizing the Committee on Privileges and Elections to employ Clerks.

A Resolution adopting the Rules of the House of Representatives of the Congress of the United States, when in Committee of the Whole, for the government of the Convention, when in Committee of the Whole.

A Resolution appointing a Committee of five on Miscellaneous Matters pertaining to the Constitution.

A Resolution directing the Secretary to furnish Major-Gen. Meade, with a copy of the Ordinance granting temporary relief, and requesting his enforcement of the same.

W. A. FORT.

*Chairman Committee on Enrollment.*

Mr. Conley moved a suspension of the Rule for the



introduction of a Resolution providing for afternoon sessions.

The motion did not prevail.

Mr. Hopkins moved a suspension of the Rule for the purpose of taking up the report of the Committee on Relief, and making it the special order for a day certain.

The motion to suspend the Rule prevailed.

The report was taken up, and on motion of Mr. Bedford the same was made the special order for the first day of February next.

Leave of absence was granted Messrs. Angier and Saffold on account of sickness, and to Mr. Shumate on account of special business.

Mr. Turner moved to suspend the Rules for the introduction of a Resolution limiting members in debate.

The motion did not prevail.

On motion of Mr. Maull the Messenger was instructed to ventilate the Hall each day by opening the upper section of the windows.

Mr. Richardson moved that the Convention go into Committee of the Whole on the report of the Committee on Bill of Rights.

The motion was lost.

On motion of Mr. Bryant the Convention adjourned until 10 o'clock a. m., to-morrow.

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ATLANTA, GA., WEDNESDAY, JAN. 22, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.



The Journal was read, and, on motion of Mr. Ashburn, so much thereof was reconsidered as relates to the action of the Convention in making the report of the Committee on Relief the special order for the first day of February next.

Mr. Campbell moved the reconsideration of so much of the Journal as relates to the action of the Convention in adopting the Preamble and Resolutions of Mr. Whiteley, on the subject of reorganizing the State Government, the removal of political disabilities, and the modification of the Test Oath.

On motion of Mr. Conley, the motion of Mr. Campbell to reconsider was laid on the table.

Mr. Ashburn asked permission, which was granted, to enter on the Journal, of yesterday, a protest in regard to the adoption of Mr. Whiteley's Resolutions, and an explanation of his vote on that question.

Mr. Caldwell rose to a question of privilege relative to certain reports of proceedings of the Convention published in the *Atlanta Intelligencer*, in which he declared he was misrepresented.

Mr. Bradley rose to the question of privilege, and moved the expulsion of "Troup," an anonymous correspondent of the *Atlanta Intelligencer*, for calling this Convention a bogus Convention.

Mr. Costin also rose to a question of privilege, calling attention to a report of proceedings, which he considered derogatory and unjust to members of the Convention.

Mr. Bryant referred to reports, published in the *New York Herald* as unjust to the Convention, and moved the



suspension of the Rule for the introduction of the following Resolution, to-wit:

*Resolved*, That a Committee of five be appointed to investigate charges made against Reporters of the Press who have seats on the floor of this Convention, and that the Committee be instructed to report immediately.

The Rule was suspended and the Resolution adopted.

The President announced the following members as composing the Committee under the foregoing Resolution, to-wit: Messrs. Bryant, Seeley, Edwards, Whitehead of Butts, and Waddell.

Mr. Bradley rose to a question of privilege again, calling attention to an article signed "Troup," in the *Atlanta Intelligencer* of the 18th instant, in which he said he was grossly misrepresented (if it had reference to him), and which he desired to have referred to the Committee appointed under the foregoing Resolution of Mr. Bryant.

Pending action on the question of reference, Mr. Burnett offered the following, which, on motion, was taken up, read, and agreed to, to-wit:

WHEREAS, In one of the journals of this city there recently appeared an article declaring that one Aaron A. Bradley was tried and convicted of a felony in the State of New York, and was sentenced to two years' imprisonment in Sing Sing Penitentiary, of that State; and, whereas, there is in this Convention a delegate answering to the name of Aaron A. Bradley; and, whereas, it is due alike to this Convention, as well as to the delegate, Aaron A. Bradley, that the fact of identity referred to be investigated. Therefore, be it



*Resolved*, That the President of this Convention do appoint a Special Committee of seven to investigate the truth or falsity of the charges made in said publication, and report the result thereof at the earliest hour possible to this Convention.

The President announced the following as the Committee appointed under said Resolution, to-wit: Messrs. Burnett, Bryant, Beaird, Costin, McCay, Miller and Whiteley.

By request of Mr. Miller, the Convention excused him from serving on said Committee, and the President appointed in his stead Mr. Cole.

On motion of Mr. Ashburn, the report of the Committee on Relief was made the special order for Monday next.

Mr. Adkins moved a suspension of the Rule for the introduction of a Resolution restricting members in debate.

The motion did not prevail.

Mr. Conley moved to suspend the Rule for the introduction of a Resolution providing for afternoon sessions.

The motion did not prevail.

On motion of Mr. Bell, of Banks, the Rule was suspended, when he offered the following, which was taken up, read, and agreed to, to-wit:

WHEREAS, The people of the Northeastern portion of the State are almost entirely deprived of mail facilities, and especially of any means of direct communication with Atlanta, one of the principal commercial cities of the State—



*Resolved*, That this Convention do recommend the re-establishment of the tri-weekly mail route and line of hacks from Gainesville to Anderson Courthouse, by way of Homer, Carnesville and Hartwell.

*Resolved*, That the Secretary immediately forward to the proper authority a copy of the above Resolution, with the request that the route be immediately established.

Mr. Hopkins moved a suspension of the Rule for the purpose of introducing a Resolution requesting General Meade to move to this city the Executive Department, and as much of the archives of the State of Georgia as may be needed, and for other purposes.

The motion did not prevail.

On motion of Mr. Bryant, the Convention went into Committee of the whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights.

The twelfth section being first in order, was amended, on motion of Mr. Whiteley, by inserting "an" between the words "with" and "offence," in the first line.

The same, as amended, was adopted, and reads as follows:

Every person charged with an offence against the laws of the State shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation and the list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the attendance of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.



Section thirteen was adopted without amendment.

Section fourteen was amended, on motion of Mr. McCay, by striking out the word "but" and inserting the words "and no." Also, by inserting between the words "estate" and "during" the words "longer than."

The same was adopted, as amended, and reads as follows:

No conviction shall work corruption of blood, and no conviction of treason shall work a general forfeiture of estate longer than during the life of the person attainted.

Pending action on the fifteenth section, on motion of Mr. Ashburn, the Committee rose, and through their Chairman reported back the matter under consideration, with further progress, to the Convention, asking leave to sit again, which, on motion was granted.

Mr. Caldwell rose to a question of privilege, stating that satisfactory information had reached him that the objectionable reports published in the *Atlanta Intelligencer*, to which he had this day referred, were not chargeable to the present Reporter of that paper.

On motion of Mr. McCay, the Rule was suspended, when he offered the following Resolution, which was taken up, read, and agreed to, to-wit:

*Resolved*, That a Committee of three be appointed to inform Hon. John Erskine, Judge of the U. S. District Court, who is now in this city, that the Convention has tendered him a seat on its floor, and to inform him that the Convention will be pleased with his presence at his convenience.

The President announced Messrs. McCay, Crane and



Marler as the Committee under the foregoing Resolution.

Leave of absence was granted Messrs. Gove and Chambers, on account of sickness.

The Convention, on motion, adjourned until 10 o'clock a. m., to-morrow.

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ATLANTA, GA., THURSDAY, JAN. 23, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Leave of absence was granted Mr. Saulter on account of public business.

On motion of Mr. Whiteley, the Committee\* went into Committee of the Whole (Mr. Conley in the Chair) on report of the Committee on Bill of Rights. The fifteenth section thereof being first in order, its consideration was resumed.

Pending discussion of the same, on motion of Mr. Parrott the Committee rose, and through their Chairman reported the matter under consideration back to the Convention, asking leave to sit again, which was granted.

The hour of adjournment having arrived, the President declared the Convention adjourned until 10 o'clock a. m., to-morrow.

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\*Convention?



ATLANTA, GA., FRIDAY, JANUARY 24, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Hotchkiss moved a suspension of the Rule for the purpose of introducing the following Resolutions, to-wit:

*Resolved*, That hereafter, the hours of meeting and adjournment shall be 9 o'clock a.m., and 3 o'clock p. m.

*Resolved*, That members addressing the Convention shall be confined strictly to the matter of debate.

Upon this motion Mr. Hotchkiss required the yeas and nays to be recorded.

Those who voted in the affirmative, are Messrs:

Adkins,	Caching,
Alexander,	Casey,
Anderson,	Caldwell,
Ashburn,	Clift,
Bentley,	Christian of Newton,
Bell of Banks,	Christian of Early,
Bowden of Monroe,	Chatters,
Bowers,	Cooper,
Blount,	Cobb of Madison,
Bryant,	Costin,
Brown,	Conley,
Bracewell,	Crane,
Bryson,	Crawford,
Bradley,	Crayton,
Buchan,	Crumley,
Burnett,	Davis,
Campbell,	Daley,
Carson,	Dews,



Dinkins,  
 Dunning,  
 Dunnegan,  
 Edwards,  
 Ellington,  
 Fields,  
 Fort,  
 Foster of Paulding,  
 Gilbert,  
 Golden,  
 Griffin,  
 Guilford,  
 Harland,  
 Harris of Newton,  
 Higbee,  
 Higden,  
 Hotchkiss,  
 Houston,  
 Holcombe,  
 Hopkins,  
 Howe,  
 Hudson,  
 Hutcheson,  
 Jackson,  
 Joiner,  
 Jones,  
 Key,  
 King,  
 Knox,  
 Lee,  
 Linder,  
 Lott,  
 Lumpkin,  
 Madden,  
 Maddox,  
 Marler,  
 Maull,  
 Mathews,

Martin of Carroll,  
 Martin of Calhoun,  
 Martin of Habersham,  
 McHan,  
 McCay,  
 Miller,  
 Moore of White,  
 Moore of Columbia,  
 Murphy,  
 Noble,  
 Palmer,  
 Pope,  
 Potts,  
 Powell,  
 Prince,  
 Reynolds,  
 Rice,  
 Richardson,  
 Rozar,  
 Roberts,  
 Robertson,  
 Sikes,  
 Shields,  
 Seeley,  
 Sherman,  
 Smith of Charlton,  
 Smith of Coweta,  
 Smith of Thomas,  
 Speer,  
 Shropshire,  
 Shumate,  
 Stanford,  
 Supple,  
 Stanley,  
 Stone,  
 Strickland,  
 Trammell,  
 Trawick,



Walton,	Whiteley,
Wallace,	Williams,
Waddell,	Woodey,
Welch,	Wooten,
Whitaker,	Tradwick,
Whitehead of Burke,	Yeates.

Those who voted in the negative, are Messrs.

Bedford,	Minor,
Baldwin,	Stewart,
Bell of Oglethorpe,	Turner,
Cobb of Houston,	Whitehead of Butts.

There were yeas 123; nays 8. So the rule was suspended.

The Resolution was taken up, and, on motion of Mr. Conley, the first was amended by inserting 9 1-2 o'clock in lieu of 9 o'clock, and the second was stricken out.

Mr. Bryant offered the following as a substitute for the foregoing, as amended, to-wit:

*Resolved*, That the hours of meeting and adjournment be 10 o'clock a. m. and 1 o'clock p. m., and 3 o'clock p. m. and——o'clock p. m.

The same was not adopted.

Mr. Bryant moved to strike out 3 o'clock.

The motion did not prevail.

The Resolution, as amended, was agreed to.

Mr. Shropshire, from the Committee on Finance, made the following report:

*Mr. President:*

Your Committee has had under consideration the fin-



ancial condition of the State, as far as they have had the means of ascertaining the amount now on hand, and beg leave to report, for the information of the Convention, that there is now Ten Thousand Dollars at the disposal of the Convention; Forty Thousand Dollars now in the process of collection by the several Tax Collectors of this State, a portion of which will probably be at the disposal of the Convention within six weeks.

This information your Committee has received from the Commanding General, and is doubtless correct, and all that the Convention can rely upon before the collection of the tax provided for in the Ordinance passed by the Convention.

The foregoing report was, on motion, taken up.

Mr. Waddel offered the following Resolution as an amendment to the report of the Finance Committee:

WHEREAS, The provision made in the Acts of Congress, whereunder this Convention is called, for the payment of the fees, salary, expense, and compensation of the Officers and Delegates to this Convention, only authorizes this Convention to provide for the levy and collection of such taxes on the property of the State as may be necessary therefor; and, whereas, the necessities of the officers and delegates to the Convention call for the payment of their dues at an earlier day than such collection of taxes can be made. Therefore, be it

*Resolved*, That the Federal authorities be respectfully requested to authorize such advance of money as may be necessary to defray the said expenses to be made to the Disbursing Officer of this Convention, for the purpose above indicated.



Mr. Bryant moved to lay the amendment of Mr. Waddell on the table.

Upon this motion the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Martin of Habersham,
Bentley,	Moore of White,
Baldwin,	Murphy,
Bryant,	Prince,
Brown,	Rice,
Bradley,	Richardson,
Clift,	Sikes,
Cobb of Houston,	Shields,
Conley,	Sherman,
Crumley,	Shropshire,
Dunning,	Shumate,
Guilford,	Stone,
Harrison of Hancock,	Turner,
Jackson,	Wallace,
Joiner,	Welch,
Lee,	Whitehead of Burke,
Mathews,	Woodey.

Those who voted in the negative, are Messrs.

Alexander,	Buchan,
Anderson,	Burnett,
Ashburn,	Campbell,
Bedford,	Carson,
Beaird,	Catching,
Bell of Oglethorpe,	Casey,
Bell of Banks,	Caldwell,
Bowden of Campbell,	Christian of Newton,
Bowden of Monroe,	Christian of Early,
Bowers,	Chatters,
Blount,	Cooper,
Bracewell,	Cobb of Madison,
Bryson,	Costin,



Cole,	Martin of Carroll,
Crane,	Martin of Calhoun,
Crawford,	McHan,
Crayton,	McCay,
Davis,	Minor,
Daley,	Miller,
Dews,	Moore of Columbia,
Dinkins,	Neal,
Dunnegan,	Noble,
Edwards,	Palmer,
Fields,	Pope,
Flynn,	Potts,
Foster of Morgan,	Powell,
Foster of Paulding,	Reynolds,
Gilbert,	Rozar,
Griffin,	Roberts,
Harland,	Robertson,
Harris of Newton,	Saffold,
Higbee,	Seeley,
Higden,	Smith of Charlton,
Hotchkiss,	Smith of Coweta,
Houston,	Smith of Thomas,
Holcombe,	Speer,
Hopkins,	Stewart,
Howe,	Stanford,
Hudson,	Supple,
Hutcheson,	Stanley,
Jones,	Trammell,
Jordan,	Trawick,
Key,	Walton,
Knox,	Waddell,
Linder,	Whitaker,
Lott,	Whitehead of Butts,
Lumpkin,	Whiteley,
Madden,	Williams,
Maddox,	Wooten,
Marler,	Yeates.
Maull,	



There are yeas 34; nays 101. So the motion to lay on the table did not prevail.

Mr. Bryant moved to refer said amendment to the Finance Committee.

On this motion Mr. Whiteley called for the previous question, which was sustained.

The main question was then put, and the motion to refer prevailed.

On motion of Mr. Saffold, the report of the Finance Committee, under consideration, was referred back to that Committee.

The Rule was suspended, on motion of Mr. Prince, when he offered the following Resolution, which was taken up, read, and agreed to, to-wit:

*Resolved*, That Messrs. C. H. Hopkins, H. V. Miller, and Benjamin Conley be added to the Committee of Finance, and that said Committee be instructed to ascertain upon what terms a loan of Fifty Thousand Dollars to One Hundred Thousand Dollars can be obtained for the use of this Convention, and report to the Convention at as early a day as possible.

Mr. Christian, or Early, moved a suspension of the Rule for the introduction of a Resolution adjourning the Convention to a future day.

The motion to suspend the Rule prevailed.

Mr. Christian then moved to take up the Resolution.

Mr. Bryant moved to lay the motion to take up on the table.



The motion to lay on the table prevailed.

Mr. Angier, Disbursing Agent of the Convention, made the following report:

ATLANTA, GA., JAN. 24th, 1868.

The Disbursing Agent of the Georgia Constitutional Convention begs leave to report to the Financial Committee, that he has received from the State Treasurer the sum of Ten Thousand Dollars, which he holds, subject to the order of the Convention in its application toward defraying the expenses of the same.

N. L. ANGIER,

*Disbursing Agent.*

The report was taken up.

Mr. Seeley moved that two thousand dollars of the amount mentioned in the report be appropriated to the incidental expenses of the Convention, and that the remainder, eight thousand dollars, be paid *pro rata* to the delegates.

Mr. Whiteley moved to amend by requiring the payment to be made *pro rata*, on account for mileage.

Mr. Richardson moved the reference of the report to the Auditing Committee.

On motion of Mr. Whiteley, the whole subject matter was referred to a Special Committee of three, with instructions to report to-morrow morning.

The President appointed as said Committee Messrs. Whiteley, Angier, and Conley.



The Committee on Enrollment made the following report:

*Mr. President:*

The Committee on Enrollment report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President and the attestation of the Secretary, to-wit:

A Resolution requiring the Secretary to furnish Major-General Meade with a certified copy of a Resolution requesting release of prisoners unlawfully confined in this State.

A Resolution requesting General Meade to release prisoners unlawfully confined in the State of Georgia.

A Resolution directing the Secretary to furnish Major-General Meade with a copy of the Ordinance granting temporary relief, and requesting his enforcement of the same.

Preamble and Resolutions in reference to the organization of the State Government, the removal of disabilities, and the modification of the **Test Oath**.

Also, a Resolution asking the proper authorities of the United States to furnish to the people of Northeast Georgia mail facilities.

WILLIAM A. FORT,  
*Chairman of Committee.*

On motion of Mr. Turner the Rule was suspended, when he introduced a Resolution on the subject of Education.



The same was read, and, on motion, referred to the Committee on Education.

On motion of Mr. Ashburn, the Convention went into Committee of the Whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights.

Mr. Bryant offered the following as a substitute for the fifteenth section, as reported by the Committee, to-wit:

Treason against the State of Georgia shall consist only in levying war against the State, or against the United States, or adhering to the enemies thereof, giving them aid and comfort.

The same was adopted as a substitute.

On motion of Mr. Miller, the substitute was amended by adding thereto, "And no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open Court."

The fifteenth section, as amended, was adopted, and reads as follows:

Treason against the State of Georgia shall consist only in levying war against the State, or against the United States, or adhering to the enemies thereof, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open Court.

On motion of Mr. Parrot, the Committee rose, and through their Chairman reported the Bill of Rights back to the Convention, with further progress, asking leave to sit again, which, on motion, was granted.



On motion of Mr. Bryant, the rule was suspended for the purpose of taking up from the table the motion of Mr. Campbell for the re-consideration of the action of the Convention, in passing the Resolution of Mr. Whiteley, relative to the reorganization of the State Government, the removal of political disabilities, and the modification of the Test Oath.

The Rule was suspended, the motion to reconsider taken up, and, on motion of Mr. Bryant, indefinitely postponed.

On motion of Mr. Speer, the Convention adjourned until 9 1-2 o'clock a. m., to-morrow.

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ATLANTA, GA., SATURDAY, JAN. 25, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Dr. Harlan.

The Journal was read, and Mr. Prince moved the re-consideration of so much thereof as relates to the passage of a Resolution, on yesterday, fixing the hour of meeting at 9 1-2 o'clock a. m., and the hour of adjournment at 3 o'clock p. m.

On motion of Mr. Cotting the motion to reconsider was indefinitely postponed.

Mr. Whiteley, from the special Committee appointed to consider and report in regard to the funds in the hands of the Disbursing Officer of the Convention, made the following report:



*Mr. President:*

Your Committee report that they have had under consideration the disbursement of the funds now in the hands of the Disbursing Officer of the Convention, and beg leave to recommend the passage of the following Resolution:

*Resolved*, That the Disbursing Officer of the Convention be, and he is hereby instructed, to pay each delegate and officer upon the order of the Auditing Committee, the sum of fifty dollars, and that the amount on hand, after making said payments, be appropriated to the payment of incidental expenses.

RICHARD H. WHITELEY,  
B. CONLEY,  
N. L. ANGIER,

*Committee.*

On motion of Mr. Whiteley the Convention went into Committee of the Whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights.

The sixteenth section being first in order, was amended, on motion of Mr. Whiteley, by adding thereto the following: "Nor shall any person be abused in being arrested, whilst in arrest, or whilst in prison."

The same as amended was adopted, and reads as follows:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused on being arrested, whilst in arrest, or whilst in prison.

Section seventeen was adopted without amendment.



Section eighteen was adopted without amendment.

Section nineteen was, on motion of Mr. Bryant, stricken out.

Various propositions to fill the blank were made, and the same, were, on motion, passed over for the present.

Section twenty was amended, on motion of Mr. Whiteley, by striking out the word "raised," and inserting in lieu thereof the word "varied," the amendment being the correction of a typographical error.

The section, as amended, was adopted.

Pending discussion on section twenty-one, on motion of Mr. Whiteley the Committee rose, and through their Chairman reported the subject matter under consideration back to the Convention, with further progress, asking leave to sit again, which was granted.

Mr. Hopkins, from the Committee on Finance, made the following report, which was taken up and read:

*Mr. President:*

The Committee on Finance have the honor to report that they have had an interview with General Meade, and ask leave to say that the General has applied to General Grant for the loan of a sufficient amount of the funds sent by the State of Georgia to pay its indebtedness to the Government on the Western & Atlantic Railroad, to defray all the expenses of the Convention, and that General Grant accepts the proposition so far as his power extends, and will answer definitely to-day, if possible.

Should this proposition fail, he will direct Governor



Ruger immediately to ascertain upon what terms the money can be secured from parties in Savannah.

The Committee further return their sincere acknowledgments to General Meade for his efforts to gratify all the reasonable requests of this Convention.

The Rules were, on motion, suspended, and Mr. Parrott offered the following Resolution, which was taken up, read, and agreed to:

*Resolved*, That the Convention approve the plan reported by the Committee on Finance for procuring funds to defray the expenses of the Convention.

On motion of Mr. Whiteley the Convention adjourned until 9 1-2 o'clock a. m., Monday.

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ATLANTA, GA., MONDAY, JANUARY 27, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The special order of the day was taken up, to-wit: the report of the majority and minority of the Committee on Relief.

Mr. Harris, Chairman of said Committee, presented the following, which was received as a proviso to the majority report, to-wit:

*Provided*, That the Legislature may give the Courts jurisdiction where the debt has originated from a trust, and the trust property is in the hands of the Trustee.



Mr. Akerman moved the adoption of the minority report as a substitute for the majority report.

Mr. Holcombe moved that the Convention go into Committee of the Whole on the question of relief.

Mr. Bryant moved to lay the subject-matter under consideration on the table for the present, and to print the amendment, offered and received this day, as an addition to the majority report.

This motion was withdrawn by the mover.

The question recurring on the motion of Mr. Holcombe to go into Committee of the Whole, the yeas and nays were required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Akerman,	Foster of Paulding,
Andeson,	Gibson,
Bell of Banks,	Gove,
Blodgett,	Griffin,
Blount,	Harrison of Carroll,
Bryson,	Higbee,
Bullock,	Houston,
Burnett,	Holcombe,
Caldwell,	Hudson,
Christian of Early,	Hutcheson,
Cole,	Lott,
Conley,	Maddox,
Crane,	Marler,
Crawford,	Mathews,
Dunning,	Martin of Carroll,
Dunnegan,	Martin of Calhoun,
Fields,	Martin of Habersham,
Flynn,	McCay,
Fort,	Miller,
Foster of Morgan,	Moore of White,



Neal,	Stanford,
Rice,	Stanley,
Saffold,	Trammell,
Sherman,	Waddell,
Smith of Coweta,	Whiteley,
Smith of Thomas,	Woodey,
Speer,	Wooten,
Shropshire,	Yeates.

Those who voted in the negative, are Messrs.

Adkins,	Dinkins,
Alexander,	Ellington,
Angier,	Gilbert,
Ashburn,	Goodwin,
Bedford,	Golden,
Beaird,	Guilford,
Baldwin,	Harland,
Bell of Oglethorpe,	Harris of Newton,
Bowden of Campbell,	Harrison of Hancock,
Bowden of Monroe,	Higden,
Bowers,	Hotchkiss,
Bryant,	Hopkins,
Bradley,	Hooks,
Buchan,	Jackson,
Campbell,	Jones,
Carson,	Jordan,
Catching,	Key,
Casey,	Knox,
Clift,	Lee,
Chatters,	Linder,
Claiborne,	Lumpkin,
Cobb of Houston,	Madden,
Cobb of Madison,	Maull,
Costin,	McHan,
Crayton,	Minor,
Crumley,	McWhorter,
Cotting,	Moore of Columbia,
Davis,	Murphy,



Noble,	Shumate,
Palmer,	Supple,
Potts,	Stone,
Powell,	Strickland,
Prince,	Trawick,
Reynolds,	Turner,
Richardson,	Walton,
Rozar,	Wallace,
Roberts,	Welch,
Robertson,	Whitaker,
Sikes,	Whitehead of Burke,
Shields,	Whitehead of Butts,
Seeley,	Williams.
Smith of Charlton,	

There are yeas 56; nays 83. So the motion to go into Committee of the Whole did not prevail.

The question recurred on the motion of Mr. Akerman to adopt the minority report as a substitute for the report of the majority of the Committee on Relief.

Pending discussion of the foregoing proposition, Mr. Akerman having the floor, the Convention, on motion of Mr. Miller, adjourned until 9 1-2 o'clock a. m., tomorrow.

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ATLANTA, GA., Tuesday, Jan. 28, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Ashburn moved to suspend the Rule for the purpose of taking up and ordering to be printed the Resolution offered by him, asking national aid for material purposes, and for other purposes.



The motion to suspend the Rule was, on motion, laid on the table.

Mr. Speer moved that the Rule be suspended for the purpose of enabling him to offer a Resolution, adding Messrs. Angier, Conley, and Gove to the Committee on Printing.

| The motion to suspend the Rule did not prevail.

Mr. Blount rose to a question of privilege, calling attention to a communication in the *Journal and Messenger*, published at Macon, Georgia, on the 23d instant, denouncing statements therein, in regard to himself and other members of the Convention, as infamously false.

Mr. Higbee, from the Committee on Enrollment, made the following report, to-wit:

*Mr. President:*

The Committee on Enrollment report the following Ordinances and Resolutions as regularly enrolled, and ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to elect a permanent President of the Convention.

A Resolution requiring the Messenger to furnish water for the Convention.

A Resolution requesting the Provisional Governor to furnish proceedings of the Convention of 1865.

A Resolution appointing a Committee to draft Rules for the Convention.

A Resolution to furnish Reporters of the Press with seats and desks.



An Ordinance granting temporary relief to the people of Georgia.

A Resolution that the President shall sign and the Secretary attest all Ordinances, Resolutions, etc., passed by the Convention.

A Resolution to furnish members with copies of Rules for the Government of the Convention.

A Resolution authorizing the Secretary to furnish stationery and appoint clerks.

A Resolution relative to the tax on cotton.

A Resolution to shade the windows on the east side of the Hall.

A Resolution regulating the meeting and adjournment of the Convention.

A Resolution tendering a seat to Hon. Joshua Hill, of the floor of the Convention.

A Resolution that the Post Office address, etc., be printed with the Rules.

A Resolution fixing the per diem and mileage of delegates and officers of the Convention.

A Resolution tendering seats on the floor to T. J. Bowen, former Missionary to Central Africa, and to Hon. Judge Erskine.

Rules of the Convention.

Report of the Committee on Relief.

Report of the Committee on Privileges and Elections.

A Resolution approving the proposition of Mr. Hopkins to negotiate a loan of Forty Thousand Dollars.



A Resolution to appoint a Committee of Five to investigate the charges against Reporters of the Press, who have seats on the floor of the Convention.

A Resolution appointing a Committee of Three to inform Hon. John Erskine, Judge U. S. District Court, of his invitation to a seat within the Convention.

A Resolution relating to charges preferred against Aaron A. Bradley, delegate to this Convention.

Also, a Resolution asking the proper authorities of the United States to furnish the people of Northeast Georgia mail facilities.

W. A. FORT, *Chairman*.

The reconsideration of the unfinished business of yesterday was resumed, to-wit: The majority and minority reports of the Committee on Relief; the pending question being the motion of Mr. Akerman, to adopt the minority report as a substitute for that of the majority.

Mr. Harris moved to lay the proposed substitute on the table.

Upon this motion Mr. Akerman required the yeas and nays to be recorded.

Those who voted in the affirmative, are Messrs:

Alexander,	Bryant,
Anderson,	Brown,
Ashburn,	Bracewell,
Bedford,	Bradley,
Beaird,	Buchan,
Bell of Oglethorpe,	Bullock,
Bowden of Campbell,	Burnett,
Bowden of Monroe,	Campbell,
Blodgett,	Carson,
Blount,	Catching,



Casey,	Linder,
Clift,	Lumpkin,
Christian of Newton,	Maull,
Chatters,	McCay,
Claiborne,	McWhorter,
Chambers,	Murphy,
Cobb of Houston,	Noble,
Costin,	Palmer,
Conley,	Potts,
Crayton,	Prince,
Cotting,	Reynolds,
Davis,	Rice,
Dinkins,	Richardson,
Dunning,	Rozar,
Edwards,	Roberts,
Fort,	Robertson,
Foster of Paulding,	Sikes,
Gilbert,	Seeley,
Goodwin,	Sherman,
Gove,	Smith of Charlton,
Golden,	Smith of Coweta,
Griffin,	Smith of Thomas,
Guilford,	Speer,
Harris of Newton,	Shumate,
Higden,	Stewart,
Hotchkiss,	Supple,
Hopkins,	Stone,
Hooks,	Strickland,
Howe,	Trawick,
Jackson,	Walton,
Jones,	Welch,
Key,	Whitaker,
Knox,	Whitehead of Burke,
Lee,	Wooten,

Those who voted in the negative, are Messrs:

Adkins,	Bell of Banks,
Akerman,	Bowers,
Angier,	Bryson,



Cameron,	Martin of Carroll,
Crane,	Martin of Calhoun,
Crawford,	Martin of Habersham,
Dunnegan,	McHan,
Ellington,	Miller,
Fields,	Moore of White,
Flynn,	Neal,
Harland,	Saffold,
Harrison of Carroll,	Shields,
Higbee,	Shropshire,
Houston,	Stanford,
Holcombe,	Stanley,
Hudson,	Trammell,
Hutcheson,	Turner,
Lott,	Wallace,
Maddox,	Waddell,
Marler,	Williams,
Mathews,	Woodey,

There are yeas 88; nays 42. So the motion to lay on the table prevailed.

Mr. Conley offered the following Resolution, to-wit:

*Resolved*, That the report of the Committee on Relief be referred back to said Committee for further consideration, and that the report made after such further consideration, shall be taken up and acted upon by this Convention, in its regular order, as the Committees on the several branches of the Constitution named, and that the Hon. H. K. McCay be added to the Committee on Relief.

Mr. Bryant called the previous question on the question of adopting the foregoing Resolution.

Mr. Trammell rose to a point of order, assuming that the Resolution could only be entertained after a suspension of the Rule, by a vote of two-thirds; that it



was not a simple motion to refer, but a Resolution embracing several propositions.

The point of order was sustained by the Chair.

Mr. Conley proposed to withdraw the Resolution, which was objected to.

Mr. Bryant called for a division of the question, and asked for a vote on the proposition to refer.

Mr. Bryant called for the previous question.

Mr. Trammell claimed the floor, and submitted, as a point of order, that the previous question could not be called, while he had the floor, on a point of order undecided.

The President decided that the point of order first made by Mr. Trammell was sustained, and that, when that decision was made, it was in order to divide the propositions embraced in the Resolution, and that the call of the previous question was in order.

From this decision Mr. Trammell appealed, assuming that, before action could be taken upon any part of the Resolution, the Rules must be suspended.

The decision of the President was sustained by the Convention, and the motion to refer prevailed.

Mr. Conley moved a suspension of the Rule for the purpose of adding Mr. McCay to the Committee on Relief.

Mr. Waddell proposed to amend by adding, also, Mr. Stanford to said Committee.

Mr. Akerman offered to amend the motion and amend-



ment by requesting the Chair to appoint two additional members to the Committee on Relief.

Mr. Bryant called the previous question on the motion of Mr. Conley.

On the question of sustaining the previous question, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.:

Alexander,	Gove,
Anderson,	Golden,
Bedford,	Harrison of Hancock,
Beaird,	Higden,
Bowden of Monroe,	Hopkins,
Blodgett,	Howe,
Bryant,	Jackson,
Brown,	Jones,
Bullock,	Lee,
Burnett,	Linder,
Campbell,	Lumpkin,
Carson,	Maull,
Casey,	McCay,
Christian of Newton,	Moore of Columbia,
Chatters,	Murphy,
Claiborne,	Noble,
Chambers,	Palmer,
Cobb of Houston,	Potts,
Costin,	Prince,
Conley,	Reynolds,
Crayton,	Rice,
Cotting,	Richardson,
Davis,	Rozar,
Daley,	Robertson,
Dinkins,	Sikes,
Edwards,	Sherman,
Fort,	Smith of Charlton,
Gilbert,	Shumate,
Goodwin,	Stewart,



Supple,	Welch,
Stone,	Whitaker,
Strickland,	Whitehead of Burke,
Trawick,	Williams,
Wallace,	Wooten.

Those who voted in the negative, are Messrs.:

Adkins,	Key,
Akerman,	King,
Angier,	Knox,
Bell of Banks,	Lott,
Bowden of Campbell,	Maddox,
Bryson,	Marler,
Cameron,	Martin of Carroll,
Clift,	Martin of Calhoun,
Crane,	Martin of Habersham,
Crawford,	McHan,
Dunning,	Miller,
Dunnegan,	McWhorter,
Ellington,	Moore of White,
Fields,	Neal,
Foster of Paulding,	Saffold,
Griffin,	Shields,
Guilford,	Seeley,
Harland,	Smith of Coweta,
Harris of Newton,	Smith of Thomas,
Harrison of Carroll,	Speer,
Higbee,	Shropshire,
Houston,	Stanford,
Holcombe,	Trammell,
Hooks,	Waddell,
Hudson,	Woodey,
Hutcheson,	Yeates,

There are yeas 68; nays 52. So the call for the previous question was sustained.

Mr. Conley then accepted the amendment of Mr. Akerman to his motion, and the same, as amended, prevailed.



The President appointed Messrs. McCay and Stanford on the Committee on Relief.

The Convention, on motion, adjourned until 9 1-2 o'clock a. m., to-morrow.

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ATLANTA, GA., Wednesday, Jan. 29, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Harris moved a suspension of the Rule for the purpose of taking up the report of the Committee on Relief.

The motion prevailed, and the report was taken up, and reads as follows:

Your Committee, to whom was referred the subject of Relief, beg leave to report the following:

WHEREAS, by the late disastrous war the people of Georgia have lost over four hundred million dollars of taxable property, also a vast depreciation of real estate, and the total loss of four years' labor, thereby throwing into hopeless confusion the equitable relations of debtor and creditor; and, whereas, the indebtedness of the State to her citizens has been repudiated, and her most solemn contracts violated and sanctioned and sustained by her ablest jurists, thereby leaving the people to bear as best they can, the increased burdens *thus* imposed; and, whereas, the low price of cotton, the scarcity of money, the unsettled condition of the political affairs of the State, and the derangement and inefficiency of labor, render it im-



possible for the debtor to make even partial payment; and, whereas, to undertake to force the payment of indebtedness would only result in bankruptcy and utter ruin to the great masses, and concentrating into the hands of a few the little remaining from ruthless war; and, whereas, all or nearly all the indebtedness was based either directly or indirectly upon the property thus destroyed or depreciated, while the amount of indebtedness is held undiminished. Therefore,

*We, the people of Georgia, in Convention assembled, do solemnly Ordain*, That from and after the passage of this Ordinance, no Court in this State shall have jurisdiction to hear or determine any suit, or render judgment in any case against any resident of this State, upon any contract or agreement made or entered into, or for any tort or injury committed prior to the first day of May, 1865, or upon any contract or agreement made in renewal of a debt existing prior to the first day of May, 1865, nor shall any Court or ministerial officer of this State have jurisdiction or authority to enforce any judgment, execution, or decree, rendered or issued upon any contract or agreement or renewal thereof, or for any tort or injury committed prior to said first day of May, 1865. Also, the accompanying Resolution :

*Resolved*, That the Committee on Judiciary be, and they are hereby instructed to insert in that part of the Constitution which defines the powers of the Judiciary of this State, the following section :

SECTION —.

No Court in this State shall have jurisdiction to hear or determine any suit, or render judgment in any case against any resident of this State, upon any contract or



agreement, made or entered into, or for any tort or injury committed prior to the first day of May, 1865; or upon any contract made in renewal of a debt, existing prior to the first day of May, 1865; nor shall any Court or ministerial officer of this State have jurisdiction or authority to enforce any judgment, execution, or decree, rendered or issued upon any contract or agreement, or renewal thereof, or for any tort or injury committed prior to said first day of May, 1865, except in the following cases, in which the Courts and ministerial officers shall have jurisdiction and authority:

I. Where the debt is for property sold, and not more than one-fourth of the purchase money has been paid, and the property still exists in the hands of the debtor, who refuses to deliver it back to the vendor, or it has been fraudulently disposed of by the debtor to avoid judgment.

II. When the debt grows out of a trust, and the trust property is in the hands of a trustee, or it has been invested by him in other specific effects of value, now in his hands, or has been fraudulently disposed of by the trustee, who has valuable specific assets, arising from the disposition of the trust property, which he converts to his own use.

III. Where the debt is for property, which has been disposed of by the debtor, who has specific proceeds thereof in his possession, or has fraudulently disposed of said proceeds to defeat the collection of the debt.

IV. In all suits against corporations in their corporate capacity, on bills, bonds, notes, mortgages, deposits and accounts; and in all contracts with mechanics and day laborers.



V. In all cases where a defendant is about to remove, or is removing himself or his property beyond the limits of this State.

VI. In all debts due to charitable or literary institutions.

VII. In all other cases where the Legislature shall hereafter by a vote of two-thirds of the members thereof, confer jurisdiction on any Court, created by this Constitution, or by Legislative enactment.

SECTION ———.

It shall be in the power of two-thirds of the General Assembly to assess and collect upon all debts, judgments, or causes of actions, when due, founded on any contract or wrong made, implied, or done before the first of May, 1865, in the hands of any one in his own right, or trustee, agent, or attorney of another, on or after the first of January, 1868, a tax of not exceeding twenty-five per cent. to be paid by the creditor on pain of the forfeiture of the debt, but chargeable by him, as to one-half thereof against the debtor, and collectable with the debt: *Provided*, That this tax shall not be collected if the debt or cause of action be abandoned or settled without legal process, or if in judgment, be settled without levy and sales; *and, provided further*, this tax shall not be levied so long as the Courts of this State shall not have jurisdiction of such debts or causes of action.

II. That this Ordinance be, and hereby is, adopted as part of the Constitution of this State, and the Judiciary Committee are instructed to alter the several sections of their report giving jurisdiction to the Courts so as to fail to give jurisdiction in the cases herein denied,



and the Committee on Consolidation and Revision distribute this Ordinance to its proper place in the Constitution.

JOHN HARRIS, Chairman.  
WILLIAM L. GOODWIN,  
C. H. HOPKINS,  
R. B. BULLOCK,  
N. P. HOTCHKISS,  
W. H. WHITEHEAD,  
W. W. DEWS,  
H. K. McCAY,  
FOSTER BLODGETT,  
Committee on Relief.

Mr. Saffold offered the following as a minority report from the Committee on Relief:

1. *Resolved*, That Georgia is now, and has been since the ratification of the Constitution of the United States, a State of the American Union.

2. *Resolved*, That the Constitution of the United States is the Supreme Law of the Land, the Constitution of the State and the Laws and Ordinances of the State to the contrary notwithstanding.

3. *Resolved*, That any Constitution of this State, or any Ordinance of this Convention, which impairs the obligation of any contract, or denies the right of the citizen to sue and enforce his rights therein, is a violation of the Constitution of the United States, in direct conflict with the Acts of Congress under which this Convention is assembled, *and therefore null and void*.

THOMAS P. SAFFOLD,  
AMOS T. AKERMAN.



Mr. Stanford offered the following as a substitute for the majority and minority reports:

Sec. 1. *The people of Georgia, in Convention assembled, do Ordain*, That the Courts of this State shall have authority to vacate and set aside all judgments, orders, or decrees rendered by them prior to the first day of May, 1865, upon either party, his or her agent or attorney, making an affidavit before any Judicial officer of this State that he or she has an equitable cause of complaint or defense.

Sec. 2. *Be it further Ordained*, That it shall be competent for either party to the suit, upon any cause of action originating prior to the first day of May, 1865, upon the trial thereof, to give in evidence the consideration of the contract and the value thereof at any time, the intention of the parties as to the particular kind of currency in which the same was to have been paid, and the value thereof, and his or her responsibility to have paid the same at the time the contract was made, and his or her ability to pay the same now, and any and all facts tending to show good faith between the parties; and the verdict of the jury and judgment of the Court shall be upon principles of equity and justice; *provided*, either party, upon his own motion, shall have the right to continue his case for four terms only.

Sec. 3. *Be it further Ordained*, That this Ordinance shall not apply to executions for costs, nor to rules against officers for money, nor to trust estates, where the trustee is in possession of the estate or its specific effects, nor to corporations in their corporate capacity, nor to cases where the defendant has absconded, or resides beyond the limits of this State.



Mr. Goodwin offered the following as a substitute for the original and proposed substitute of Mr. Stanford:

WHEREAS, By the late disastrous war the people of Georgia have lost over four hundred million dollars of taxable property, also a vast depreciation of real estate, and the total loss of four years' labor, thereby throwing into hopeless confusion the equitable relations of debtor and creditor; and, whereas, the indebtedness of the State to her citizens has been repudiated, and her most solemn contracts violated, and sanctioned and sustained by her ablest jurists, thereby leaving the people to bear as best they can the increased burdens *thus* imposed; and whereas, the low price of cotton, the scarcity of money, the unsettled condition of the political affairs of the State, and the derangement and inefficiency of labor, render it impossible for the debtor to make even partial payment; and, whereas, to undertake to force the payment of indebtedness would only result in bankruptcy and *utter ruin* of the great masses, and concentrating into the hands of a few the little remaining from ruthless war; and, whereas, all or nearly all the indebtedness was based directly or indirectly upon the property thus destroyed or depreciated, while the amount of indebtedness is held undiminished. Therefore,

*We, the people of Georgia in Convention assembled, do solemnly Ordain, That from and after the passage of this Ordinance no Court in this State shall have jurisdiction, at any time, to hear or determine, or render judgment against any citizen of this State, upon any contract or judgment made or entered into, or for any tort or injury committed prior to the first day of June, 1865; nor shall any Court or ministerial officer of this State ever have jurisdiction to enforce any judgment or execution,*



rendered or issued upon any contract or agreement, or for any tort or injury committed prior to said first day of June, 1865. Also the accompanying Resolution :

*Be it Resolved*, That the Committee on Judiciary be, and they are hereby instructed, to insert in that part of the Constitution which defines the power of the Judiciary of this State, the following section :

No Court in this State shall have jurisdiction, at any time, to hear or determine, or render judgment against any citizen of this State, upon any contract or judgment made or entered into, or for any tort or injury committed prior to the first day of June, 1865; nor shall any Court or ministerial officer of this State ever have jurisdiction to enforce any judgment or execution, rendered or issued upon any contract or agreement, or for any tort or injury made or committed prior to said first day of June, 1865.

Mr. Conley moved that the foregoing reports and substitutes be printed for the use of the Convention, and that the same be made the special order for tomorrow.

Mr. Bryant moved to amend the motion of Mr. Conley by making said subject-matter the special order for Friday next.

Mr. Harris called for a division of the question.

The vote was first taken on the motion to print, which prevailed.

The vote was then taken on the motion to make the whole subject-matter the special order for Friday next, which also prevailed.

Mr. Blodgett moved a suspension of the Rule for the introduction of a Resolution limiting members in debate.



The motion to suspend the Rule did not prevail.

Mr. Beaird rose to a privileged question, and disclaimed any connection with a reported bargain in relation to the vote on the question of relief.

Mr. Richardson moved that the Convention take up the report of the Committee of the Whole on the Bill of Rights.

Mr. Bryant proposed to amend the motion by going into Committee of the Whole on the Bill of Rights.

The amendment was accepted, and the Convention went into Committee of the Whole on said subject.

The twenty-first section being first in order, with proposed amendments, its consideration was resumed.

On motion of Mr. Bryant the same was amended by adding after the word "defense" the words "and for public improvements."

On motion of Mr. Ashburn by inserting after the word "and" in the last line, the words "taxation on property."

On motion of Mr. Miller by adding the following at the end of the section: "And uniform on all species of property taxed."

The same, as amended, was adopted, and is as follows:

The power of taxation over the whole State shall be exercised by the General Assembly, only to raise revenue for the support of government, to pay the public debt, to provide a general school fund, for common defense, and for public improvements; and taxation on property shall be *ad valorem* only, and uniform on all species of property taxed.



The twenty-second section was adopted without amendment.

Section twenty-three was, on motion of Mr. Crane, amended by adding after the section the following: "And such tax not to exceed one dollar."

The same, as amended, was adopted, and reads as follows:

There shall be no poll tax levied, except for educational purposes, and such tax not to exceed one dollar.

On motion of Mr. Akerman section twenty-four was amended by striking out all except the following, to-wit:

The social status of the citizen shall never be the subject of legislation.

The section, as amended, was adopted, and reads as stated.

The following, by Mr. Stanford, was accepted by Mr. Akerman as an amendment to his motion, to consolidate that part of section twenty-four, which was stricken out, with sections twenty-five and twenty-six, to-wit:

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the persons and things to be seized.

The same was adopted as section twenty-five.

Pending action on section twenty-six, which had been rendered blank by the adoption of the foregoing amendment, the Committee, on motion of Mr. Speer, rose, and through their Chairman reported the subject-matter



under consideration back to the Convention, with further progress and ask leave to sit again, which, on motion, was granted.

Mr. Blodgett gave notice that he would, in the morning, move a reconsideration of the action of the Convention, this day, in refusing to suspend the Rule for the introduction of a Resolution limiting members in debate, and that he should call for the yeas and nays on that motion.

Leave of absence was, on motion of Mr. Speer, granted Mr. Gilbert for two days; and on motion of Mr. Hopkins to Mr. Bentley for a few days, on special business.

Mr. Bullock moved a suspension of the Rule for the introduction of the following Resolution:

*Resolved*, That the President be, and he is hereby authorized to warrant the payment of such accounts and bills as the Auditing Committee may approve, not otherwise specially provided for by Ordinance or Resolution.

The motion to suspend did not prevail.

The following communication was received by the Secretary, to-wit:

STATE OF NEW YORK,  
CONSTITUTIONAL CONVENTION.

ALBANY, Jan. 24, 1868.

*P. M. Sheibley, Secretary Georgia Constitutional Convention:*

DEAR SIR: In accordance with a Resolution, of which the enclosed is a copy, I have this day directed the documents therein mentioned to be forwarded to your address.

Very respectfully,

LUTHER CALDWELL, *Secretary.*



STATE OF NEW YORK,  
CONSTITUTIONAL CONVENTION.

ALBANY, Jan. 24, 1868.

*Ordered*, That the Secretary of this Convention send to the Secretary of the Constitutional Convention of the State of Georgia, a complete copy of the entire proceedings of this Convention—such copy to be taken from the number appropriated to the Assembly Library.

LUTHER CALDWELL, *Secretary*.

The Convention adjourned, on motion, until 9 1-2 o'clock a. m., tomorrow.

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ATLANTA, GA., Thursday, Jan. 30, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The roll was called and a quorum found present.

The Journal was read.

Mr. Martin, of Habersham, moved a suspension of the Rule for the introduction of a Resolution memorializing Congress to loan to needy Southern planters thirty million dollars.

The Rule was suspended, the Resolution taken up, read, and, on motion of Mr. Hotchkiss, referred to a Special Committee of Seven.

On motion of Mr. Speer, leave of absence was granted Mr. Bigby, on account of sickness in his family.

Mr. Turner moved the suspension of the Rule for the



introduction of a Resolution on the subject of relief to the Banks of this State, with a view to its reference to the Committee on Relief.

The motion to suspend the Rule did not prevail.

Mr. Foster Blodgett moved a suspension of the Rule for the purpose of introducing his Resolution, proposed on yesterday, relative to the limiting of members in debate.

The Rule was suspended, the Resolution taken up, and is as follows:

*Resolved*, That no member of this Convention shall speak more than twice on any one question—twenty minutes on first speech, and ten minutes in his second speech, except upon permission granted by vote of the Convention, when the time may be extended to one hour and no longer.

On the question of adopting the same, Mr. Blodgett called for the previous question, which was sustained.

The main question was put, and the Resolution adopted.

The President announced the following Committee under the Resolution of Mr. Martin, of Habersham, to-wit: Messrs. Philip, Martin, Seeley, Costin, Hotchkiss, Miller, Christian of Early, and Walton.

On motion of Mr. Speer, the Rule was suspended, and a Resolution proposed by him on the 28th instant, requesting the President to appoint on the Committee on Printing three additional members, to-wit: Messrs. Angier, Conley, and Gove, taken up.

The same was, on motion of the mover, amended by



striking out the names mentioned therein, and adopted as amended.

The following order of General Meade, communicated to the President, was read:

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dept. of Georgia, Alabama, and Florida.)

ATLANTA, GA., Jan. 29, 1868.

*(Circular.)*

General Orders, Nos. 6, 11, and 18, current series, from these Headquarters, were issued to give legal effect temporarily, as therein specified, to the Ordinances, of which copies were inserted in said orders. Many inquiries have been made, by letter and otherwise, to the Commanding General, as to the proper construction to be put upon said Ordinances, which he has neither the leisure, nor is it his province to answer. These Ordinances, as enforced by his orders, are to be deemed a part of the laws of the State in which they were respectively adopted, and construed and enforced by the Courts accordingly.

By order of Major General MEADE.

R. C. DRUM,

*Assistant Adjutant General.*

On motion of Mr. Blodgett, the Convention went into Committee of the Whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights.

Section twenty-six being first in order, was passed over for the present.

Section twenty-seven was amended, on motion of Mr.



Crane, by striking out the word "first," and adding at the end thereof the words "by the applicant."

The same, as amended, was adopted, and is as follows, to-wit:

Private ways may be granted, upon just compensation being paid by the applicant.

Section twenty-eight was adopted without amendment.

Section twenty-nine was, on motion of Mr. Ashburn, stricken out.

Section thirty was stricken out, on motion of Mr. Miller.

Section thirty-one was adopted without amendment.

Section thirty-two was amended, on motion of Mr. Crane, by adding at the end thereof the following, to-wit:

And in case of the death of the father and mother, then for the use of the minor children.

Amended, on motion of Mr. Richardson, by inserting after the word "execution," the following, to-wit:

Except from the lien of laborers and mechanics, for services rendered.

On motion of Mr. Hudson, by adding after the amendment of Mr. Crane, the words, "And the property of no woman shall be liable for the payment of her husband's debts."

On motion of Mr. Akerman, the same was further amended by inserting after the word "except," in the adopted amendment of Mr. Richardson, the words "for taxes and."

The section, with the foregoing amendments, was adopted, and reads as follows, to-wit:



Laws shall be passed by the General Assembly to protect from sale, under execution, except for taxes and the lien of laborers and mechanics, for services rendered, a reasonable amount of property for each head of the family, for the use of his or her family; and, in case of the death of the father and mother, then for the use of the minor children; and the property of no woman shall be liable for the payment of her husband's debts.

Section thirty-three adopted without amendment.

Section thirty-four was amended, on motion of Mr. Akerman, by substituting therefor the following, to-wit:

Whipping, as a punishment for crime, is prohibited.

The same, as amended, was adopted.

Section thirty-five was postponed, on motion, until the remaining sections should be disposed of.

Section thirty-six was, on motion of Mr. Parrott, amended by adopting therefor the following as a substitute, to-wit:

No person who, after the adoption of this Constitution, shall engage in a duel, send or accept a challenge, or be aider or abettor to a duel, shall vote or hold office in this State; and every such person shall also be subject to such punishment as the law may provide.

The same, as amended, was adopted.

Pending discussion on section thirty-seven, Mr. Stanford having the floor, on motion of Mr. Waddell, the Committee rose, and through their Chairman reported the subject-matter under consideration back to the Convention, with further progress.



The hour of adjournment having arrived, the President declared the Convention adjourned until 9 1-2 o'clock a. m., tomorrow.

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ATLANTA, GA., Friday, Jan. 31, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

On motion of Mr. Speer the Rule was suspended, and the report of the Committee on Printing was taken up, read, and adopted, and is as follows, to-wit:

ATLANTA, GA., Jan. 17th, 1868.

*Mr. President:*

The Committee on Printing, to whom was referred the Resolution directing the employment of three competent Reporters, to report the proceedings of this Convention, and to provide for publication of the same in one or more papers of Atlanta, and to furnish delegates with copies of the same, beg leave to report: That three Phonographic Reporters have been engaged from New York, and left that city for Atlanta on the 16th inst., and will, in all probability, commence their duties on Monday next.

The Committee determined and recommend that the daily proceedings be published in the *Atlanta New Era* and *Opinion*, and that one copy of each paper be furnished each delegate during the session.

The Committee would also report that the daily Job



Printing of the Convention is ordered to be equally divided between the offices of the *New Era* and *Opinion*.

A. L. HARRIS,

*Chairman Committee on Printing.*

The reports on the subject of relief being the special order for this day, were taken up.

On motion of Mr. Prince the same were laid on the table.

Leave of absence was granted Mr. Marler, on important business, and to Messrs. Bell, of Oglethorpe, and Foster, of Morgan, on account of sickness in their families.

On motion of Mr. Richardson the Convention went into Committee of the Whole (Mr. Conley in the Chair) on the report of the Committee on Bill of Rights.

Section thirty-seven was first in order, and was adopted without amendment.

Section second was, on motion of Mr. Bryant, taken up, for which he had previously offered the following:

That all persons, resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Georgia, possessing equal civil and political rights and public privileges.

Mr. Bradley offered the following as a substitute for the foregoing, which was accepted by Mr. Bryant, and adopted by the Committee as the second section to-wit:

All persons born or naturalized in the United States,



and resident in this State, are hereby declared citizens of this State, and no law shall be made or enforced which shall abridge the privileges or immunities of citizens of the United States or of this State, nor deny to any person within its jurisdiction the equal protection of its laws.

Section thirty-five was, on motion of Mr. Whiteley, amended by striking out the word "hereafter," and adopted as amended, and reads as follows:

No Lottery shall be authorized, or sale of Lottery Tickets in this State.

On motion of Mr. Prince the Committee rose, and through their Chairman reported the Bill of Rights back to the Convention, with amendments, and asked to be discharged from further consideration of the same.

On motion of Mr. Bryant the report was received, the Committee of the Whole discharged from its further consideration, the report laid on the table for the present, and three hundred copies thereof ordered to be printed for the use of the Convention.

Leave of absence was granted Mr. Shields on account of sickness, Mr. Hopkins on account of urgent business, and to Mr. Cotting on account of death in his family.

Leave of absence was also granted Messrs. Foster, of Paulding, Harrison, of Carroll, Griffin, Adkins, Holcombe and Yeates.

On motion of Mr. Prince the second reports of the majority and minority of the Committee on Relief, and substitutes offered therefor, were taken up.

Mr. Bullock moved to lay on the table the substitute offered by Mr. Goodwin for the whole subject-matter, which substitute was the first majority report of the



Committee on Relief, without amendment; and gave notice that if his motion was sustained he would offer a substitute, which was read.

The motion prevailed.

Mr. Foster, of Morgan, moved to postpone indefinitely the second majority and minority reports on the subject of relief, and the substitute therefor offered by Mr. Stanford.

Pending discussion of the foregoing motion, the Convention adjourned, on motion of Mr. Conley, until 9 1-2 o'clock a. m., tomorrow.

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ATLANTA, GA., Saturday, Feb. 1, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Martin of Habersham, from the Special Committee to whom was referred his Resolutions relative to a loan of the United States to assist the needy planters of the South, made the following report:

*Mr. President:*

The Special Committee to whom was referred the Preamble and Resolutions petitioning Congress for a loan, etc., have had the same under consideration, and recommend their adoption, as amended.

PHILIP MARTIN,

ISAAC SEELEY,

JOHN T. COSTIN,

H. H. CHRISTIAN,

O. H. WALTON,

N. P. HOTCHKISS,

H. K. McCAY.



The Rule was suspended, on motion, and the report and Resolutions taken up.

The previous question was called and sustained on the question of adopting the same.

The main question was then put, and the yeas and nays demanded thereon.

Those who voted in the affirmative, are Messrs.:

Adkins,	Chambers,
Akerman,	Cooper,
Anderson,	Cobb of Houston,
Angier,	Cobb of Madison,
Ashburn,	Costin,
Bedford,	Cole,
Beaird,	Crane,
Bell of Banks,	Crawford,
Bowden of Campbell,	Crayton,
Bowden of Monroe,	Davis
Blodgett,	Daley,
Blount,	Dinkins,
Bryant,	Dunnegan,
Brown,	Edwards,
Bracewell,	Ellington,
Buchan,	Fields,
Bullock,	Fort,
Burnett,	Foster of Morgan,
Campbell,	Foster of Paulding,
Carson,	Gilbert,
Cameron,	Goodwin,
Catching,	Golden,
Casey,	Harris of Newton,
Caldwell,	Higbee,
Clift,	Higden,
Christian of Newton,	Holcombe,
Christian of Early,	Hotchkiss,
Chatters,	Howe,
Claiborne,	Hudson,



Hutcheson,	Roberts,
Jordan,	Saffold,
Key,	Seeley,
King,	Sherman,
Knox,	Smith of Charlton,
Lee,	Smith of Coweta,
Linder,	Smith of Thomas,
Lott,	Speer,
Lumpkin,	Shropshire,
Madden,	Shumate,
Maddox,	Stewart,
Marler,	Stanford,
Maull,	Supple,
Mathews,	Stanley,
Martin of Carroll,	Trammell,
Martin of Calhoun,	Trawick,
Martin of Habersham,	Turner,
McHan,	Walton,
McWhorter,	Waddell,
Moore of White,	Welch,
Noble,	Whitaker,
Palmer,	Whitehead of Burke,
Potts,	Whiteley,
Powell,	Woodey,
Reynolds,	Wooten,
Rice,	Yeates,
Rozar,	

Those who voted in the negative, are Messrs.:

Alexander,	Moore of Columbia,
Bryson,	Pope,
Crumley,	Richardson,
Dunning,	Robertson,
Harland,	Sikes,
Harrison of Carroll,	Stone.
Harrison of Hancock,	

There are yeas, 111; nays, 13. So the Resolutions, as



reported by the Committee, were adopted, and are as follows:

The Constitutional Convention of the State of Georgia presents to the Congress of the United States the following considerations:

A loan by the United States Government to the impoverished Planters of the South of a reasonable amount of United States currency for agricultural purposes, properly guarded by mortgages, and equitably distributed among the most needy, would be of incalculable advantage to the whole country.

Such a loan would restore the productions of the South, and give a market for the goods of the North and the produce of the West. It would, at once, energise the South in an honorable attempt to compete with England, our rival in cotton raising, and return with interest a full payment for all her zeal in fostering our late troubles, in order that she might establish her selfish policy of producing cotton in the State to the injury of our Cotton States, and thereby take commanding control of what has been the great source of our commercial prosperity as a people.

Mortgages on real estate can be taken of twice the value of money loaned. No man need borrow more than two-thirds of what he can give good assurances will be the value of his coming crop.

The people of the South need relief. Almost destroyed by the great conflict just over, Providence, so far, has not smiled upon the Southern Planter.

In 1866 there was a short crop, from drouth and other causes. In 1867 Planters planted hoping to realize from 25 to 30 cents per pound. By the decline in market cotton



planters have failed to realize the cost of production, and are, to an alarming extent, now comparatively helpless for the coming crop. In proportion as the cotton planter is enabled to plant for a large amount of cotton, will the freemen necessarily suffer. The extent of suffering among the freedmen, unless Southern Planters are fostered by the Government, will be appalling to the Christian heart. The "nation's wards" cannot be better cared for than by thus providing for them remunerative labor upon that staple with the production of which they are already familiar, and which yields to them the greatest reward for that service which they are best fitted by their raising to perform.

A liberal loan by Congress, as indicated, would do much to stimulate, national fraternity. In view of the foregoing, be it, therefore,

*Resolved*, That the Congress of the United States be respectfully petitioned to appropriate thirty millions of United States currency, to be loaned under proper regulations, to aid in developing the agricultural interests of needy Southern Planters.

*Resolved*, That copies of the foregoing Preamble and Resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that they be laid before those bodies, and that copies be also transmitted to the Presidents of the Constitutional Conventions in the Southern States, and that we invite the co-operation of such Conventions in this application to Congress.

The Convention resumed the consideration of the unfinished business of yesterday, to-wit: the second majority and minority reports of the Committee on Relief,



and the substitute therefor by Mr. Stanford, the pending question at the time of last adjournment being the motion for the indefinite postponement of the foregoing subject-matter. /

The yeas and nays were demanded thereon.

Those who voted in the affirmative, are Messrs.:

Akerman,	King,
Baldwin,	Knox,
Bell of Banks,	Lott,
Bryson,	Maddox,
Cameron,	Marler,
Christian of Early,	Mathews,
Cole,	Martin of Carroll,
Crane,	Martin of Calhoun,
Crawford,	Martin of Habersham,
Crumley,	McHan,
Dunning,	Moore of White,
Dunnegan,	Saffold,
Ellington,	Smith of Thomas,
Fields,	Shropshire,
Foster of Morgan,	Stanford,
Harrison of Carroll,	Stanley,
Higden,	Woodey,
Hudson,	Yeates,
Hutcheson,	

Those who voted in the negative, are Messrs.:

Adkins,	Blount,
Alexander,	Bryant,
Anderson,	Brown,
Ashburn,	Bradley,
Bedford,	Bullock,
Beaird,	Burnett,
Bowden of Campbell,	Carson,
Bowden of Monroe,	Catching,
Blodgett,	Casey,



Caldwell,	Maul,
Clift,	McCay,
Christian of Newton,	McWhorter,
Chatters,	Moore of Columbia,
Claiborne,	Murphy,
Chambers,	Noble,
Cooper,	Palmer,
Cobb of Houston,	Pope,
Costin,	Potts,
Crayton,	Reynolds,
Davis,	Richardson,
Daley,	Rozar,
Dinkins,	Roberts,
Fort,	Robertson,
Foster of Paulding,	Sikes,
Gilbert,	Seeley,
Goodwin,	Smith of Charlton,
Golden,	Smith of Coweta,
Harland,	Speer,
Harris of Newton,	Shumate,
Harrison of Hancock,	Stewart,
Higbee,	Stone,
Hotchkiss,	Strickland,
Jones,	Trammell,
Jordan,	Turner,
Key,	Walton,
Lee,	Welch,
Linder,	Whitaker,
Lumpkin,	Whitehead of Burke,
Madden,	Wooten.

There are yeas 37; nays 78. So the motion to postpone indefinitely did not prevail.

Mr. Higbee, from the Committee on Enrollment, made the following report:

*Mr. President:*

The Committee on Enrollment report that the follow-



ing Preamble and Resolutions have been regularly enrolled, and are now ready for the signature of the President and the attestation of the Secretary, to-wit:

A Preamble and Resolution asking in behalf of needy Southern Planters a loan of thirty million dollars from the United States Government.

Mr. Trammell offered the following as a substitute for the matter under consideration on the subject of relief, to-wit:

No Court in this State shall have jurisdiction of any contract or agreement made prior to the first day of June, 1865, or of any wrong or injury committed prior to said date; nor shall any ministerial officer have jurisdiction to enforce any judgment or execution, rendered upon any such contract or agreement, or for damages on account of any such wrong or injury. And in case any suit shall be brought, or pending, upon any such supposed cause of action against any inhabitant of this State, it shall be dismissed by the Courts upon a plea to the jurisdiction filed by the defendant, and upon proof that the cause of action originated prior to June 1st, 1865.

*Provided*, That no such plea shall be sustained by the Court if the plaintiff or plaintiffs shall, by proof, establish that, prior to the commencement of said suit he, personally, or by attorney or agent, proposed to the defendant or defendants to submit the matter in controversy between them to the decision of arbitrators, chosen equally by both parties, with an umpire chosen by the arbitrators, upon principles of natural equity, taking into account the losses of the respective parties by the calamities of the war, and all other grounds which, in the opinion of the arbitrators, may in good conscience bear upon



the merits of the case; and that the award of the arbitrators, be made the judgment of the proper Court, which the defendant or defendants refused to do, within one month after said proposition. And in case of judgment or execution, heretofore rendered, the proper officer may proceed with the collection, upon proof to the satisfaction of the Court that the plaintiff or plaintiffs have submitted, and the defendant or defendants have rejected a like proposition to refer the matter between them to arbitrament and award as aforesaid, and not otherwise.

*And provided further,* That no such plea to the jurisdiction shall be sustained where the defendant resides beyond the limits of this State, or is actually removing or about to remove his person or property without the limits of this State, or any County thereof.

*And provided further,* That the lien of a judgment now in existence shall not be lost by said arbitration, but a new execution shall be issued by the Clerk, and shall proceed after one year from the date of such award, for the collection of the amount of such award. The right of set off shall exist as heretofore.

Pending discussion thereon, the Convention adjourned until 9 1-2 o'clock a. m., Monday.

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ATLANTA, GA., Monday, Feb. 3, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The President laid before the Convention the following Order of General Meade, which was read:



HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dept. of Georgia, Alabama, and Florida),

ATLANTA, GA., Feb. 1, 1868.

*General Orders No. 22.*

Numerous applications having been made to the Major-General Commanding, relative to the provisions and execution of General Orders No. 49, series of 1867, from these Headquarters, and being satisfied from reports and representations that in some instances the operations of the Order have proved embarrassing and of an effect not designed when it was issued—the intention having been to prevent, by prompt and energetic action, the use of official patronage to obstruct, hinder, and delay Reconstruction under the Acts of Congress—he therefore directs that the aforesaid Order be modified to read as follows:

I. The giving of all advertisements, and other official publications, heretofore or hereafter to be provided for by State or Municipal Laws or Ordinances, by the civil officers whose duty it is to cause such publications to be made, is prohibited to such newspapers, and such only, as attempt to obstruct in any manner the civil officers appointed by the military officers in this District in the discharge of their duties by threats of violence, of prosecution, or other penalty, as soon as the military protection is withdrawn, for acts performed in their official capacity.

II. If in any of the counties in either of the States in this District there be but one newspaper published, civil officers whose duty it is to advertise in accordance with law, are authorized to advertise in said paper, regardless of the provisions of Paragraph I of this Order.



III. All officers in this Military District, whether military or civil, and all Boards of Registration, or other persons in the employment of the United States under military jurisdiction, are directed to give prompt attention to the enforcement of this Order. Opposition to Reconstruction, when conducted in a legitimate manner, is not to be considered an offence; but will be so considered when accompanied by violent and incendiary articles threatening the preservation of the peace, or by attempts to obstruct civil officers as indicated in Paragraph I of this Order. Should any civil officer violate the provisions of this Order, the case will be promptly reported to these Headquarters.

IV. This Order is not to be construed as affecting advertisements being published at the date of the Order, or prior to its receipt by the civil officer who is affected thereby.

By order of Major-General MEADE.

R. C. DRUM,

Assistant Adjutant General.

Leave of absence was granted Mr. Martin, of Habersham, on account of important business.

Mr. Shropshire in the Chair.

The consideration of the unfinished business of Saturday last was resumed, to-wit: the second majority and minority reports of the Committee on Relief and the substitutes therefor by Mr. Stanford and Mr. Trammell.

The statement of the question by the President *pro tem.* gave precedence to a substitute of Mr. Bullock, and



placed that of Mr. Trammell in the position of a third substitute, and consequently out of order.

Mr. Bryant offered the following as an amendment to the substitute of Mr. Bullock, to-wit:

*We, the people of Georgia, in Convention assembled, do solemnly Ordain,*

That from and after the passage of this Ordinance, until the first day of January, 1871, no Court or ministerial officer of this State shall have jurisdiction or authority to enforce any judgment, execution, or decree, for money rendered or issued upon any contract or agreement, made or entered into, or for any tort or injury committed prior to the first day of May, 1865, or upon any contract or agreement made in renewal of a debt existing prior to the first day of May, 1865.

And on and after the first day of January, 1871, no Court or ministerial officer of this State shall have jurisdiction or authority to enforce such judgment, execution, or decree, except as follows, to-wit: On and after the first day of January, 1871, for one-fifth of the amount due thereon; on and after the first day of January, 1872, for one other fifth; on and after the first day of January, 1873, for one other fifth; on and after the first day of January, 1874, for one other fifth; and on and after the first day of January, 1875, for the remaining fifth.

*Resolved*, That the Committee on Judiciary be, and they are hereby instructed to insert in that part of the Constitution which defines the powers of the Judiciary of this State, the following section:

#### SECTION —.

Until the first day of January, 1871, no Court or min-



isterial officer of this State shall have jurisdiction or authority to enforce any judgment, execution, or decree, for money, rendered or issued upon any contract or agreement, made or entered into, or for any tort or injury committed prior to the first day of May, 1865.

And on and after the first day of January, 1871, no Court or ministerial officer of this State shall have jurisdiction or authority to enforce such judgment, execution, or decree, except as follows: On and after the first day of January, 1871, for one-fifth of the amount due thereon; on and after the first day of January, 1872, for one other fifth; on and after the first day of January, 1873, for one other fifth; on and after the first day of January, 1874, for one other fifth; and on and after the first day of January, 1875, for the remaining fifth, except in the following cases, in which the Courts and ministerial officers shall have jurisdiction and authority:

I. Where the debt is for property sold, and not more than one-fourth of the purchase money has been paid, and the property still exists in the hands of the debtor, who refuses to deliver it back to the vendor, or it has been fraudulently disposed of by the debtor to avoid judgment.

II. Where the debt grows out of a trust, and the trust property in the hands of the trustee, or it has been invested by him in other specific effects of value, now in his hand, or has been fraudulently disposed of by the trustee, who has valuable specific assets, arising from the disposition of the trust property, which he converts to his own use.

III. When the debt is for property, which has been disposed of by the debtor, who has the specific proceeds



thereof in his possession, or has fraudulently disposed of said proceeds to defeat the collection of the debt.

IV. In all suits against Corporations in their corporate capacity, on bills, bonds, notes, mortgages, deposits and accounts; and in all contracts with mechanics and day laborers.

V. In all cases where a defendant is about to remove, or is removing himself or his property beyond the limits of this State.

VI. In all debts due to charitable or literary institutions.

VII. In all other cases where the Legislature shall hereafter by a vote of two-thirds of the members thereof, confer jurisdiction on any Court, created by this Constitution, or by Legislative enactment.

#### SECTION —.

It shall be in the power of two-thirds of the General Assembly to assess and collect upon all debts, judgments or causes of action, when due, founded on any contract or wrong made, implied, or done before the first of May, 1865, in the hands of any one in his own right, or as trustee, agent, or attorney of another on or after the first of January, 1868, a tax of not exceeding twenty-five per cent. to be paid by the creditor on pain of the forfeiture of the debt, but chargeable by him, as to one-half thereof against the debtor, and collectable with the debt: *Provided*, That this tax shall not be collected if the debt or cause of action be abandoned or settled without legal process, or if in judgment, be settled without levy and sale; *and, provided further*, this tax shall not be levied so long



as the Courts of this State shall not have jurisdiction of such debts or causes of action.

II. That this Ordinance be, and hereby is, adopted as part of the Constitution of this State, and the Judiciary Committee are instructed to alter the several sections of their report giving jurisdiction to the Courts so as to fail to give jurisdiction in the cases herein denied, and the Committee on Consolidation and Revision distribute this Ordinance to its proper place in the Constitution.

Pending discussion on the proposed amendment of Mr. Bryant, Mr. Bigby having the floor, the Convention adjourned until 9½ o'clock tomorrow.

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ATLANTA, GA., Tuesday, Feb. 4, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Leave of absence was granted Messrs. Dailey, Powell, Stewart, and Edwards, and to Mr. Davis, after 12 o'clock M., on the 14th instant.

The following communication from General Meade was laid before the Convention by the President:

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dept. Georgia, Alabama, and Florida),

ATLANTA, GA., Feb. 3, 1868.

*Hon. J. R. Parrott, President Constitutional Convention,  
Atlanta, Georgia:*

SIR:—A careful survey of the condition of the State



Treasury, and of the probable incoming revenue and demands upon the State, justify me in reporting to you that I shall be able, by the 15th of March proximo, to pay to the Disbursing Agent of the Convention the sum of Thirty Thousand Dollars, one-half of which will be available on or about the 10th instant. As this sum will complete the amount of the requisition approved by my predecessor and myself, I take this occasion to say that, after carefully examining the financial condition of the State, as left by the outgoing Provisional Executive officers, together with the demands to be met under the heads of the civil list and public institutions, that I cannot feel myself authorized to sanction any greater advance from the State Treasury to the Convention than is herein indicated, and that I must request the co-operation of the Convention in conforming to this decision.

In coming to this decision, which is based on providing for the immediate and imperative wants of the Convention from the usual sources of revenue, by the collection of taxes and net proceeds of the State Road, I feel compelled to decline approving or undertaking any financial scheme involving the credit of the State, or anticipating future revenue.

Very respectfully, your obedient servant,

GEORGE G. MEADE,

Major-General U. S. A.

Mr. Angier moved a suspension of the Rule for the introduction of the following Resolution:

*Resolved*, That no delegate of this Convention shall receive any *per diem* pay after the first day of March next.



The motion to suspend the Rule did not prevail.

The unfinished business of yesterday was resumed, to-wit: The second majority and minority reports of the Committee on Relief, the substitutes of Mr. Stanford and Mr. Bullock and the amendment proposed by Mr. Bryant to the substitute offered by Mr. Bullock.

Mr. Conley in the Chair.

Mr. Bigby resumed the floor, and, at the expiration of twenty minutes, was informed by the President *pro tem.* that the time allowed him under the Rule for his first speech was exhausted.

Mr. Akerman rose to a point of order, stating that a motion made by himself on yesterday, to extend the time for Mr. Bigby's speech, was sustained by the Convention.

The President *pro tem.* decided that, under the Rule there could be no extension of the time of the first speech of a member, and that the action of the Convention on yesterday, extending the time of Mr. Bigby's first speech, being in violation of the Rule, could not be observed.

From this decision Mr. Akerman appealed.

The decision of the Chair was not sustained.

Mr. Blodgett offered the following as an amendment to the substitute of Mr. Bullock, which was accepted by Mr. Bullock, to be inserted between the paragraph granting power to two-thirds of the Legislature to confer jurisdiction on the Courts and the section in his substitute, and to be known as section —, to-wit:

SECTION —.

All contracts made and not executed during the late



rebellion, with the intention and for the purpose of aiding and encouraging said rebellion, or when it was the purpose and intention of one of the parties to such contract to aid or encourage such rebellion, and that fact was known by the other party, whether the said contract was made by any person or corporation with the State or Confederate States, or by a corporation with a natural person, or between two or more natural persons, are hereby declared to have been and to be illegal; and all bonds, deeds, promissory notes, bills, or other evidences of debt, made or executed by the parties to such contract, or either of them, in connection with such illegal contract, or as the consideration for, or in furtherance thereof, are hereby declared null and void, and shall be so held in all Courts in this State, when an attempt shall be made to enforce any such contract, or give validity to any such obligation or evidence of debt. And in all cases where the defendant, or any one interested, in the event of the suit, will make a plea that he has reason to believe that the obligation or evidence of indebtedness upon which the suit is predicated, or some part thereof has been given or used for the illegal purpose aforesaid, the burden of proof shall be upon the plaintiff to satisfy the Court and jury that the bond, deed, note, bill, or other evidence or evidences of indebtedness upon which said suit is brought, is or are not, nor is any part thereof founded upon, or in any way connected with any such illegal contract, and has not been used in aid of the rebellion, and the date of such bond, deed, note, bill, or other evidence of indebtedness, shall not be evidence that it has or has not, since its date, been issued, transferred, or used in aid of the rebellion.

Mr. Blodgett called for the previous question, which



was sustained by a vote of 52 to 49—the result having been announced by the Chair.

Mr. Akerman demanded the yeas and nays on the question.

The call for the yeas and nays was decided out of order, as the decision of the Chair had been announced.

From this decision Mr. Akerman appealed, and the decision of the Chair was sustained by the Convention.

Upon the question, “Shall the main question be now put?” Mr. Akerman required the yeas and nays to be recorded.

Those who voted in the affirmative are Messrs.

Alexander,	Dinkins,
Anderson,	Gibson,
Bedford,	Gilbert,
Bowden of Monroe,	Goodwin,
Blodgett,	Golden,
Blount,	Harris of Newton,
Brown,	Harrison of Hancock,
Bracewell,	Higden,
Buchan,	Hotchkiss,
Bullock,	Howe,
Burnett,	Hutcheson,
Campbell,	Jackson,
Catching,	Joiner,
Caldwell,	Jones,
Clift,	Jordan,
Christian of Newton,	Linder,
Chatters,	Lumpkin,
Chambers,	McCay,
Cooper,	McWhorter,
Cobb of Houston,	Noble,
Crayton,	Palmer,
Davis,	Potts,



Reynolds,	Stone,
Rozar,	Strickland,
Roberts,	Trawick,
Saulter,	Turner,
Seeley,	Whitaker,
Sherman,	Wooten,
Smith of Charlton,	

Those who voted in the negative are Messrs.

Akerman,	King,
Angier,	Knox,
Ashburn,	Lee,
Beaird,	Lott,
Baldwin,	Maddox,
Bell of Banks,	Marler,
Bowden of Campbell,	Maull,
Bigby,	Mathews,
Bryant,	Martin of Carroll,
Bryson,	Martin of Calhoun,
Bradley,	McHan,
Carson,	Minor,
Cameron,	Miller,
Casey,	Moore of White,
Christian of Early,	Moore of Columbia,
Cole,	Murphy,
Crane,	Pope,
Crawford,	Prince,
Crumley,	Robertson,
Cotting,	Saffold,
Dunning,	Sikes,
Dunnegan,	Shields,
Ellington,	Smith of Thomas,
Flynn,	Shropshire,
Fort,	Shumate,
Guilford,	Stanford,
Harland,	Supple,
Higbee,	Stanley,
Hudson,	Walton,



Waddell,	Whiteley,
Welch,	Woodey,
Whitehead of Burke,	Yeates.

There are yeas, 57; nays, 64. So the question, "Shall the main question be now put?" was determined in the negative.

The following amendment to the substitute of Mr. Bullock, which was accepted by him, was offered by Mr. Seeley as a proviso to the paragraph authorizing the Legislature, by a vote of two-thirds, to confer jurisdiction on the Courts, to-wit:

*Provided*, That jurisdiction over debts, for the purchase or hire of slaves, or over debts, the credit of which was based on slaves as property, shall not be conferred on any Court in this State.

Mr. Parrott moved that the whole subject-matter of relief be referred to a Special Committee of five, with instructions to report tomorrow morning.

This motion was withdrawn.

Mr. Blodgett offered the following Resolution, which was adopted, to-wit:

*Resolved*, That debate on the question of "Relief" be closed tomorrow, at 11 o'clock a. m.

Leave of absence was granted Mr. Richardson and Mr. Whitehead, of Butts.

The Convention, on motion, adjourned until 9½ o'clock, a. m., tomorrow.



ATLANTA, GA., Wednesday, Feb. 5, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The unfinished business of yesterday was resumed, to-wit: the second majority and minority reports of the Committee on Relief, the substitute of Mr. Stanford and Mr. Bullock, as amended, and two amendments offered by Mr. Bryant to the amended substitute of Mr. Bullock.

The first proposition in order being the last amendment of Mr. Bryant, to-wit: to amend the substitute of Mr. Bullock by providing that the Legislature, by a vote of a majority instead of two-thirds, may confer jurisdiction on the Courts.

Upon this proposition Mr. Akerman required the yeas and nays to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,	Cameron,
Alexander,	Clift,
Angier,	Christian of Early,
Ashburn,	Claiborne,
Barton,	Cobb of Houston,
Beaird,	Cole,
Baldwin,	Conley,
Bell of Oglethorpe,	Crane,
Bell of Banks,	Crawford,
Bowers,	Crumley,
Bigby,	Cotting,
Bryant,	Dunning,
Bracewell,	Dunnegan,
Bryson,	Ellington,
Carson,	Fields,



Flynn,	McCay,
Fort,	Miller,
Guilford,	Moore of White,
Harland,	Murphy,
Higbee,	Pope,
Higden,	Prince,
Houston,	Saffold,
Hudson,	Saulter,
Hutcheson,	Shields,
King,	Smith of Coweta,
Knox,	Smith of Thomas,
Lee,	Speer,
Linder,	Shropshire,
Lott,	Stanford,
Madden,	Stanley,
Maddox,	Trammell,
Marler,	Welch,
Mathews,	Williams,
Martin of Carroll,	Woodey,
Martin of Calhoun,	Yeates.
McHan,	

Those who voted in the negative, are Messrs.

Anderson,	Cooper,
Bedford,	Costin,
Bowden of Campbell,	Crayton,
Bowden of Monroe,	Davis,
Blodgett,	Dinkins,
Blount,	Gibson,
Brown,	Gilbert,
Bradley,	Goodwin,
Bullock,	Golden,
Burnett,	Harris of Newton,
Campbell,	Harrison of Hancock,
Casey,	Hotchkiss,
Caldwell,	Hooks,
Chrisian of Newton,	Howe,
Chatters,	Jackson,
Chambers,	Joiner,



Jones,	Robertson,
Jordan,	Sikes,
Lumpkin,	Sherman,
Mauil,	Shumate,
Minor,	Stone,
McWhorter,	Strickland,
Moore of Columbia,	Trawick,
Noble,	Turner,
Palmer,	Walton,
Potts,	Wallace,
Reynolds,	Whitaker,
Rice,	Whitehead of Burke,
Rozar,	Whiteley,
Roberts,	Wooten.

There are yeas, 71; nays, 60. So the amendment was adopted.

Mr. Bryant moved that the subject-matter of relief, now pending, be referred to a Special Committee of five, with instructions to report tomorrow:

Upon this motion the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,	Cotting,
Angier,	Dunning,
Baldwin,	Dunnegan,
Bell of Banks,	Ellington,
Bowers,	Fields,
Bigby,	Flynn,
Bryant,	Higbee,
Bracewell,	Houston,
Bryson,	Hudson,
Cameron,	Hutcheson,
Cole,	King,
Crane,	Knox,
Crawford,	Lee,
Crumley,	Maddox,



Marler,  
Mathews,  
Martin of Carroll,  
McHan,  
Moore of White,  
Murphy,  
Saffold,  
Shields,

Smith of Thomas,  
Speer,  
Shropshire,  
Stanley,  
Trammell,  
Welch,  
Woodey,  
Yeates.

Those who voted in the negative, are Messrs.

Alexander,  
Anderson,  
Ashburn,  
Bedford,  
Beaird,  
Bell of Oglethorpe,  
Bowden of Campbell,  
Bowden of Monroe,  
Blodgett,  
Blount,  
Brown,  
Bradley,  
Bullock,  
Burnett,  
Campbell,  
Carson,  
Casey,  
Caldwell,  
Clift,  
Christian of Newton,  
Christian of Early,  
Chatters,  
Claiborne,  
Chambers,  
Cooper,  
Cobb of Houston,  
Costin,  
Conley,  
Crayton,

Davis,  
Dinkins,  
Fort,  
Gibson,  
Gilbert,  
Goodwin,  
Golden,  
Guilford,  
Harland,  
Harris of Newton,  
Harrison of Hancock,  
Higden,  
Hotchkiss,  
Hooks,  
Howe,  
Jackson,  
Joiner,  
Jones,  
Jordan,  
Key,  
Linder,  
Lott,  
Lumpkin,  
Madden,  
Mauil,  
Martin of Calhoun,  
McCay,  
Minor,  
Miller,



McWhorter,	Smith of Coweta,
Moore of Columbia,	Shumate,
Noble,	Stanford,
Palmer,	Stone,
Pope,	Strickland,
Potts,	Trawick,
Prince,	Turner,
Reynolds,	Walton,
Rice,	Wallace,
Rozar,	Whitaker,
Roberts,	Whitehead of Burke,
Saulter,	Whiteley,
Sikes,	Williams,
Sherman,	Wooten.
Smith of Charlton,	

There are yeas, 44; nays, 87.

So the motion to refer did not prevail.

Mr. Waddell stated that he had paired off with Mr. Edwards on the question of relief.

Upon the question of adopting the first amendment of Mr. Bryant, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,	Crawford,
Alexander,	Crumley,
Angier,	Cotting,
Bell of Banks,	Dunning,
Bowers,	Dunnegan,
Bigby,	Ellington,
Bryant,	Fields,
Bryson,	Flynn,
Cameron,	Harland,
Clift,	Higbee,
Christian of Early,	Houston,
Cole,	Hutcheson,
Crane,	King,



Knox,	Moore of White,
Lott,	Saffold,
Maddox,	Saulter,
Marler,	Shields,
Mathews,	Smith of Thomas,
Martin of Carroll,	Shropshire,
Martin of Calhoun,	Stanley,
McHan,	Trammell,
Minor,	Woodey,
Miller,	Yeates.

Those who voted in the negative, are Messrs.

Ashburn,	Costin,
Bedford,	Conley,
Beaird,	Crayton,
Baldwin,	Davis,
Bell of Oglethorpe,	Dinkins,
Bowden of Campbell,	Fort,
Bowden of Monroe,	Gibson,
Blodgett,	Gilbert,
Blount,	Goodwin,
Brown,	Golden,
Bracewell,	Guilford,
Bradley,	Harris of Newton,
Buchan,	Harrison of Hancock,
Bullock,	Higden,
Burnett,	Hotchkiss,
Campbell,	Hooks,
Carson,	Howe,
Catching,	Hudson,
Casey,	Jackson,
Caldwell,	Joiner,
Christian of Newton,	Jones,
Chatters,	Jordan,
Claiborne,	Lee,
Chambers,	Linder,
Cooper,	Lumpkin,
Cobb of Houston,	Madden,



Maull,	Smith of Charlton,
McCay,	Speer,
McWhorter,	Shumate,
Moore of Columbia,	Stanford,
Murphy,	Supple,
Noble,	Stone,
Palmer,	Strickland,
Pope,	Trawick,
Potts,	Turner,
Prince,	Walton,
Reynolds,	Wallace,
Rice,	Welch,
Rozar,	Whitaker,
Roberts,	Whitehead of Burke,
Robertson,	Whiteley,
Sikes,	Williams,
Sherman,	Wooten.

There are yeas, 46; nays, 86. So the amendment was not adopted.

It will be found entered in full on the Journal of February 3d.

Mr. McCay offered the following amendment, which was accepted by Mr. Bullock, to-wit:

Except also where the debt or contract is set up by way of defense to any matter of which the Court has jurisdiction, and said debt is more than any debt due by the defendant to the plaintiff, of which the Courts are denied jurisdiction.

Mr. Blodgett offered the following amendment, which was accepted by Mr. Bullock, to follow the accepted amendment of Mr. McCay, to-wit:

Except where the debt is for real property sold, and not one-third or more of the purchase money has been



paid, and the suit is in the name of the vendor, and the said property exists in the hands of the debtor, who refuses to deliver it back to the vendor, or where it has been fraudulently disposed of by the debtor to avoid judgment.

Mr. Stanford offered the following as an additional exception, to-wit:

In all cases where the defendant has absconded, or is about to remove himself or his property beyond the limits of the State or County.

On motion of Mr. Miller, the words "or County" were stricken out.

Upon the question of adopting the amendment, as amended, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,	Fields,
Alexander,	Flynn,
Angier,	Harland,
Bell of Banks,	Higbee,
Bowers,	Hudson,
Bryant,	Hutcheson,
Bryson,	King,
Buchan,	Knox,
Cameron,	Lee,
Clift,	Linder,
Christian of Early,	Lott,
Cobb of Houston,	Madden,
Cole,	Maddox,
Crane,	Marler,
Crawford,	Mathews,
Crumley,	Martin of Carroll,
Dunning,	Martin of Calhoun,
Dunnegan,	McHan,
Ellington,	McCay,



Miller,	Stanford,
Moore of White,	Stanley,
Murphy,	Trammell,
Rice,	Trawick,
Saffold,	Welch,
Saulter,	Whiteley,
Shields,	Williams,
Smith of Thomas,	Woodey,
Speer,	Yeates.
Shropshire,	

Those who voted in the negative, are Messrs.

Anderson,	Crayton,
Ashburn,	Cotting,
Bedford,	Davis,
Beaird,	Dinkins,
Baldwin,	Gibson,
Bell of Oglethorpe,	Gilbert,
Bowden of Campbell,	Goodwin,
Bowden of Monroe,	Golden,
Blodgett,	Guilford,
Bigby,	Harris of Newton,
Blount,	Harrison of Hancock,
Brown,	Higden,
Bracewell,	Hotchkiss,
Bradley,	Hooks,
Bullock,	Howe,
Campbell,	Jackson,
Carson,	Joiner,
Catching,	Jones,
Casey,	Jordan,
Caldwell,	Lumpkin,
Christian of Newton,	Maul,
Chatters,	Minor,
Claiborne,	McWhorter,
Chambers,	Moore of Columbia,
Cooper,	Noble,
Costin,	Palmer,
Conley,	Pope,



Potts,	Shumate,
Prince,	Supple,
Reynolds,	Stone,
Rozar,	Strickland,
Roberts,	Turner,
Robertson,	Walton,
Sikes,	Wallace,
Sherman,	Whitaker,
Smith of Charlton,	Whitehead of Burke,
Smith of Coweta,	Wooten.

There are yeas, 57; nays, 74. So the same was not adopted.

Mr. Akerman moved to amend as follows, to-wit:

*Provided*, That the jurisdiction herein withheld shall exist if the plaintiff or plaintiffs shall establish, by proof, that prior to the commencement of said suit he, personally or by attorney or agent, proposed to the defendant or defendants to submit the matter in controversy between them to the decision of arbitrators, chosen equally by both parties, with an umpire chosen by the arbitrators, upon principles of natural equity, taking into account the losses of the respective parties by the calamities of the war, and all other grounds which, in the opinion of the arbitrators, may in good conscience bear upon the merits of the case, and that the award of the arbitrators be made the judgment of the proper Court which the defendant or defendants refuse to do within one month after said proposition. And in case of judgment or execution, heretofore rendered, the proper officer may proceed with the collection, upon proof to the satisfaction of the Court that the plaintiff or plaintiffs have submitted, and the defendant or defendants have rejected a like proposition to refer the matter between them to arbitrament and award, as aforesaid, but not otherwise.



*And provided further,* That the lien of a judgment, now in existence, shall not be lost by said arbitration, but a new execution shall be issued by the Clerk, and shall proceed after one year from the date of such award for the collection of the amount of such award. The right of set-off shall exist as heretofore.

Upon the question of adopting the amendment of Mr. Akerman the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,	Houston,
Angier,	Hudson,
Barton,	Hutcheson,
Baldwin,	King,
Bell of Banks,	Knox,
Bowers,	Lee,
Bigby,	Lott,
Bryant,	Maddox,
Bryson,	Martin of Carroll,
Cameron,	Martin of Calhoun,
Clift,	Marler,
Christian of Early,	Mathews,
Cole,	McHan,
Conley,	Minor,
Crane,	Miller,
Crawford,	Moore of White,
Crumley,	Rice,
Cotting,	Saffold,
Dunning,	Shields,
Dunnegan,	Smith of Thomas,
Ellington,	Speer,
Fields,	Shropshire,
Flynn,	Stanford,
Fort,	Stanley,
Harland,	Trammell,
Higbee,	Turner,



Welch,  
Woodey,

Yeates.

Those who voted in the negative, are Messrs.

Alexander,  
Anderson,  
Ashburn,  
Bedford,  
Beaird,  
Bowden of Campbell,  
Bowden of Monroe,  
Blodgett,  
Blount,  
Brown,  
Bracewell,  
Bradley,  
Buchan,  
Bullock,  
Burnett,  
Campbell,  
Carson,  
Catching,  
Casey,  
Caldwell,  
Christian of Newton,  
Chatters,  
Claiborne,  
Chambers,  
Cooper,  
Cobb of Houston,  
Costin,  
Crayton,  
Davis,  
Dinkins,  
Gibson,  
Gilbert,  
Goodwin,  
Golden,

Guilford,  
Harris of Chatham,  
Harris of Newton,  
Harrison of Hancock,  
Higden,  
Hotchkiss,  
Hooks,  
Howe,  
Jackson,  
Joiner,  
Jones,  
Jordan,  
Lumpkin,  
Madden,  
Mauil,  
McCay,  
McWhorter,  
Moore of Columbia,  
Murphy,  
Noble,  
Palmer,  
Pope,  
Potts,  
Prince,  
Reynolds,  
Rozar,  
Roberts,  
Robertson,  
Sikes,  
Sherman,  
Smith of Charlton,  
Shumate,  
Supple,  
Stone,



Strickland,  
Trawick,  
Walton,  
Wallace,  
Whitaker,

Whitehead of Burke,  
Whiteley,  
Williams,  
Wooten,

There are yeas, 55; nays, 77. So the amendment was not adopted.

Mr. McCay stated that he voted in the negative because he believed the provisions of the amendment unconstitutional.

Mr. Safford offered the following, to be added after the last accepted amendment of Mr. Blodgett, to-wit:

And all debts due to charitable institutions, institutions of learning, and mechanics and laborers.

The same was adopted.

Mr. Safford moved to strike out the amendment of Mr. Blodgett accepted on yesterday by Mr. Bullock, and entered in full on the Journal of that day.

Upon this motion he required the yeas and nays to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,  
Angier,  
Bell of Banks,  
Bowers,  
Bigby,  
Bryson,  
Carson,  
Cameron,  
Caldwell,  
Christian of Newton,

Christian of Early,  
Cobb of Houston,  
Cole,  
Crane,  
Crawford,  
Crumley,  
Dunning,  
Dunnegan,  
Ellington,  
Fields,



Flynn,  
Harland,  
Higden,  
Houston,  
Hudson,  
Hutcheson,  
King,  
Knox,  
Lee,  
Lott,  
Maddox,  
Marler,  
Martin of Carroll,  
Martin of Calhoun,  
McHan,  
McCay,

Miller,  
Moore of White,  
Pope,  
Robertson,  
Saffold,  
Saulter,  
Shields,  
Smith of Thomas,  
Shropshire,  
Stanford,  
Stanley,  
Trammell,  
Whiteley,  
Woodey,  
Yeates.

Those who voted in the negative, are Messrs.

Alexander,  
Anderson,  
Ashburn,  
Bedford,  
Beaird,  
Baldwin,  
Bell of Oglethorpe,  
Bowden of Campbell,  
Bowden of Monroe,  
Blodgett,  
Blount,  
Bryant,  
Brown,  
Bracewell,  
Bradley,  
Buchan,  
Bullock,  
Campbell,  
Catching,  
Casey,  
Clift,

Chatters,  
Claiborne,  
Chambers,  
Cooper,  
Costin,  
Conley,  
Crayton,  
Cotting,  
Davis,  
Dinkins,  
Gibson,  
Gilbert,  
Goodwin,  
Golden,  
Guilford,  
Harris of Chatham,  
Harris of Newton,  
Harrison of Hancock,  
Higbee,  
Hotchkiss,  
Hooks,



Howe,	Roberts,
Jackson,	Sikes,
Joiner,	Sherman,
Jones,	Smith of Charlton,
Jordan,	Speer,
Lumpkin,	Shumate,
Madden,	Supple,
Maul,	Stone,
Minor,	Strickland,
McWhorter,	Trawick,
Moore of Columbia,	Turner,
Murphy,	Walton,
Noble,	Wallace,
Palmer,	Welch,
Potts,	Whitaker,
Prince,	Whitehead of Burke,
Reynolds,	Williams,
Rice,	Wooten.
Rozar,	

There are yeas, 51; nays, 79. So the motion to strike out the same was lost.

Mr. Bryant moved to strike out from the accepted proviso of Mr. Seeley the words "or hire."

The amendment was lost.

Mr. Miller moved to amend by striking out from the second paragraph of the first section the words "evindenced by bonds or mortgages of corporations," and inserting in lieu thereof the words "against a corporation or corporations."

On the question of its adoption the yeas and nays were demanded.



Those who voted in the affirmative, are Messrs.

Akerman,	Hudson,
Anderson,	Hutcheson,
Angier,	King,
Beaird,	Knox,
Baldwin,	Lee,
Bell of Banks,	Lott,
Bowers,	Madden,
Bigby,	Maddox,
Bracewell,	Marler,
Bryson,	Mathews,
Buchan,	Martin of Carroll,
Burnett,	Martin of Calhoun,
Carson,	McHan,
Cameron,	McCay,
Caldwell,	Minor,
Clift,	Miller,
Christian of Newton,	Moore of White,
Christian of Early,	Moore of Columbia,
Cooper,	Murphy,
Cobb of Houston,	Pope,
Cole,	Robertson,
Crane,	Saffold,
Crawford,	Saulter,
Crumley,	Shields,
Dunning,	Smith of Thomas,
Dunnegan,	Speer,
Ellington,	Shropshire,
Fields,	Stanford,
Flynn,	Stanley,
Fort,	Trammell,
Harland,	Trawick,
Higbee,	Welch,
Higden,	Woodey,
Howe,	Yeates.

Those who voted in the negative, are Messrs.

Alexander,	Ashburn,
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Bedford,	Hooks,
Bell of Oglethorpe,	Jackson,
Bowden of Campbell,	Joiner,
Bowden of Monroe,	Jones,
Blodgett,	Jordan,
Blount,	Lumpkin,
Bryant,	Maull,
Brown,	McWhorter,
Bradley,	Noble,
Bullock,	Palmer,
Campbell,	Potts,
Catching,	Prince,
Casey,	Reynolds,
Chatters,	Rice,
Claiborne,	Rozar,
Chambers,	Roberts,
Costin,	Sikes,
Conley,	Seeley,
Crayton,	Sherman,
Cotting,	Smith of Charlton,
Davis,	Shumate,
Dinkins,	Supple,
Gibson,	Stone,
Gilbert,	Turner,
Goodwin,	Walton,
Golden,	Wallace,
Guilford,	Whitaker,
Harris of Chatham,	Whitehead of Burke,
Harris of Newton,	Whiteley,
Harrison of Hancock,	Williams,
Hotchkiss,	Wooten.

There are yeas, 68; nays, 64. So the motion to amend prevailed.

Mr. McCay offered to amend by adding after the word "plea," in the first accepted amendment of Mr. Blodgett, the words "supported by his affidavit."



The same was accepted by Mr. Bullock.

Mr. Crane proposed to amend by striking out the words "or wrong" and "or done" wherever they occur in the second paragraph of the first section.

The same was also accepted by Mr. Bullock.

Mr. Stanford moved to amend by striking out "June" and inserting "May" whenever it occurs.

The motion was lost.

Mr. McCay moved to strike out the word "two-thirds" and insert "a majority" where it occurs in the amended substitute of Mr. Bullock.

The same was accepted by Mr. Bullock.

Upon the question of adopting the amended substitute of Mr. Bullock, the yeas and nays were demanded.

Mr. Crane submitted for the decision of the Chair whether any member personally interested in the question could vote.

The President decided that he could not.

Those who voted in the affirmative, are Messrs.

Alexander,	Bradley,
Anderson,	Buchan,
Ashburn,	Bullock,
Bedford,	Burnett,
Beaird,	Campbell,
Bell of Oglethorpe,	Carson,
Bowden of Campbell,	Catching,
Bowden of Monroe,	Casey,
Blodgett,	Caldwell,
Brown,	Clift,
Bracewell,	Christian of Newton,



Chatters,	Moore of Columbia,
Claiborne,	Murphy,
Chambers,	Noble,
Cooper,	Palmer,
Costin,	Potts,
Conley,	Prince,
Crayton,	Reynolds,
Davis,	Rice,
Dinkins,	Rozar,
Fort,	Roberts,
Gibson,	Robertson,
Gilbert,	Sikes,
Goodwin,	Seeley,
Golden,	Sherman,
Guilford,	Smith of Charlton,
Harris of Chatham,	Speer,
Harris of Newton,	Shumate,
Harrison of Hancock,	Supple,
Higden,	Stone,
Hotchkiss,	Strickland,
Hooks,	Trawick,
Howe,	Turner,
Jackson,	Walton,
Joiner,	Wallace,
Jones,	Welch,
Jordan,	Whitaker,
Lumpkin,	Whitehead of Burke,
Maul,	Whiteley,
Minor,	Wooten.
McWhorter,	

Those who voted in the negative, are Messrs.

Akerman,	Bryant,
Angier,	Cameron,
Baldwin,	Christian of Early,
Bell of Banks,	Cole,
Bowers,	Crane,
Bigby,	Crawford,
Blount,	Crumley,



Cotting,	Martin of Carroll,
Dunning,	Martin of Calhoun,
Dunnegan,	McHan,
Ellington,	McCay,
Fields,	Miller,
Flynn,	Moore of White,
Harland,	Pope,
Higbee,	Saffold,
Hudson,	Shields,
Hutcheson,	Smith of Thomas,
King,	Shropshire,
Knox,	Stanford,
Lott,	Trammell,
Maddox,	Williams,
Marler,	Woodey,
Mathews,	Yeates.

There are yeas, 81; nays, 46. So the amended substitute of Mr. Bullock was adopted in lieu of the second majority report of the Committee on Relief and the substitute of Mr. Stanford.

On the question of adopting said report, as amended, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Alexander,	Bradley,
Anderson,	Buchan,
Ashburn,	Bullock,
Bedford,	Burnett,
Beaird,	Campbell,
Bowden of Campbell,	Carson,
Bowden of Monroe,	Catching,
Blodgett,	Casey,
Blount,	Caldwell,
Bryant,	Chatters,
Brown,	Claiborne,
Bracewell,	Chambers,



Cooper,	Murphy,
Cobb of Houston,	Noble,
Costin,	Palmer,
Conley,	Pope,
Crayton,	Potts,
Davis,	Prince,
Dinkins,	Reynolds,
Gibson,	Rice,
Gilbert,	Rozar,
Goodwin,	Roberts,
Golden,	Robertson,
Guilford,	Sikes,
Harris of Chatham,	Seeley,
Harris of Newton,	Sherman,
Harrison of Hancock,	Smith of Charlton,
Higden,	Speer,
Hotchkiss,	Shumate,
Hooks,	Supple,
Howe,	Stone,
Jackson,	Strickland,
Joiner,	Trawick,
Jones,	Turner,
Jordan,	Walton,
Lumpkin,	Wallace,
Maull,	Welch,
McCay,	Whitaker,
Minor,	Whitehead of Burke,
McWhorter,	Whiteley,
Moore of Columbia,	Wooten.

Those who voted in the negative, are Messrs.

Akerman,	Bryson,
Angier,	Clift,
Baldwin,	Christian of Early,
Bell of Oglethorpe,	Cole,
Bell of Banks,	Crane,
Bowers,	Crawford,
Bigby,	Crumley,



Cotting,  
Dunning,  
Dunnegan,  
Ellington,  
Fields,  
Flynn,  
Harland,  
Higbee,  
Hudson,  
Hutcheson,  
King,  
Knox,  
Lott,  
Maddox,  
Marler,  
Mathews,

Martin of Carroll,  
Martin of Calhoun,  
McHan,  
Miller,  
Moore of White,  
Saffold,  
Shields,  
Smith of Thomas,  
Shropshire,  
Stanford,  
Stanley,  
Trammell,  
Williams,  
Woodey,  
Yeates.

There are yeas, 82; nays, 45. So the report, as amended, was adopted, and is as follows, to-wit:

WHEREAS, by the late disastrous war the people of Georgia have lost over four hundred million of dollars of taxable property, also a vast depreciation of real estate, and the total loss of four year's labor, thereby throwing into hopeless confusion the equitable relations of debtor and creditor; and, whereas, all or nearly all the indebtedness was based either directly or indirectly upon the property thus destroyed or depreciated, while the amount of indebtedness is held undiminished. Therefore,

*We, the people of Georgia, in Convention assembled, do solemnly Ordain, That from and after the passage of this Ordinance, no Court in this State shall have jurisdiction to hear or determine any suit, or render judgment, in any case against any resident of this State, upon any contract or agreement made or entered into, or upon any contract or agreement made in renewal of a debt existing*



prior to the first day of June, 1865; nor shall any Court or ministerial officer of this State have jurisdiction or authority to enforce any such judgment, execution or decree, rendered or issued upon any contract or agreement or renewal thereof as aforesaid. Also the accompanying Resolution:

*Resolved*, That the Committee on the Judiciary be, and they are hereby instructed, to insert in that part of the Constitution which defines the powers of the Judiciary of this State, the following section:

SECTION —.

No Court in this State shall have jurisdiction to hear or determine any suit, or render judgment in any case against any resident of this State, upon any contract or agreement, made or entered into, or upon any contract made in renewal of a debt, existing prior to the first day of June, 1865; nor shall any Court or ministerial officer of this State have jurisdiction or authority to enforce any judgment, execution or decree, rendered or issued upon any contract or agreement, or renewal thereof, prior to the said first day of June, 1865, except in the following cases, in which the Courts and ministerial officers shall have jurisdiction and authority:

When the debt grown out of a trust for the benefit of minors, and the trust property is in the hands of the trustee, or it has been invested by him in other specific effects of value, now in his hand, or has been fraudulently disposed of by the trustee, who has valuable specific assets, arising from the disposition of the trust property, which he converts to his own use, or when the debt is due from a third person to a trust estate, or where



the debt is against a corporation or corporations in their corporate capacity; except, also, where the debt or contract is set up by way of defense to any matter of which the Court has jurisdiction, and said debt is more than any debt due by the defendant to the plaintiff, of which the Courts are denied jurisdiction, except, also, where the debt is for real property sold, and not one-third, or more, of the purchase money has been paid, and the suit is in the name of the vendor, and the said property exists in the hands of the debtor, who refused to deliver it back to the vendor, or where it has been fraudulently disposed of by the debtor to avoid judgment; and all debts due to charitable institutions, institutions of learning, and mechanics and laborers. And in all other cases where the Legislature shall hereafter, by a vote of a majority of the members thereof, confer jurisdiction on any Court created by this Constitution, or by Legislative enactment.

*Provided*, That jurisdiction over debts, for the purchase or hire of slaves, or over debts, the credit of which was based on slaves as property, shall not be conferred on Courts in this State.

#### SECTION —.

All contracts made and not executed during the late rebellion, with the intention and for the purpose of aiding and encouraging said rebellion, or where it was the purpose and intention of one of the parties to such contract to aid or encourage such rebellion, and that fact was known to the other party, whether said contract was made by any person or corporation with the State or Confederate States, or by a corporation with a natural person, or between two or more natural persons, are hereby de-



clared to have been and to be illegal; and all bonds, deeds, promissory notes, bills, or other evidences of debt, made or executed by the parties to such contract, or either of them, in connection with such illegal contract, or as the consideration for, or in furtherance thereof, are hereby declared null and void, and shall be so held in all Courts in this State, when an attempt shall be made to enforce any such contract, or give validity to any such obligation or evidence of debt. And in all cases when the defendant, or any one interested, in the event of the suit, will make a plea, supported by his affidavit, that he has reason to believe that the obligation or evidence of indebtedness upon which the suit is predicated, or some part thereof has been given or used for the illegal purpose aforesaid, the burden of proof shall be upon the plaintiff to satisfy the Court and jury that the bond, deed, note, bill, or other evidences of indebtedness upon which said suit is brought is or are not, nor is any part thereof founded upon, or in any way connected with any such illegal contract, and has not been used in aid of the rebellion, and the date of such bond, deed, note, bill, or other evidences of indebtedness, shall not be evidence that it has or has not, since its date, been issued, transferred, or used in aid of the rebellion.

#### SECTION —.

It shall be in the power of a majority of the General Assembly to assess and collect upon all debts, judgments, or causes of actions, when due, founded on any contract made or implied before the first of June, 1865, in the hands of any one in his own right, or as trustee, agent, or attorney of another, on or after the first of January, 1868, a tax of not exceeding twenty-five per cent. to be



paid by the creditor on pain of the forfeiture of the debt, but chargeable by him, as to one-half thereof against the debtor, and collectable with the debt: *Provided*, that this tax shall not be collected if the debt or cause of action be abandoned or settled without legal process, or if in judgment, be settled without levy and sales; *and provided further*, this tax shall not be levied so long as the Courts of this State shall not have jurisdiction of such debts or causes of action.

II. That this Ordinance be, and hereby is, adopted as a part of the Constitution of this State, and the Judiciary Committee are instructed to alter the several sections of their report giving jurisdiction to the Courts so as to fail to give jurisdiction in the cases herein denied, and the Committee on Consolidation and Revision distribute this Ordinance to its proper place in the Constitution.

Mr. Bullock moved a suspension of the Rule for the purpose of introducing the following Resolution, to-wit:

*Resolved*, That the President of this Convention be, and he is hereby authorized to warrant the payment of such bills or accounts as may be approved by the Auditing Committee and not otherwise authorized by this Convention.

Upon the question of suspending the Rules the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Ashburn,  
Bedford,  
Beaird,  
Bell of Oglethorpe,

Blodgett,  
Bryant,  
Bracewell,  
Bradley,



Bullock,	Hotchkiss,
Campbell,	Jackson,
Casey,	Joiner,
Clift,	Jones,
Chatters,	Lumpkin,
Chambers,	Maull,
Cobb of Houston,	Moore of Columbia,
Costin,	Murphy,
Conley,	Noble,
Cotting,	Pope,
Davis,	Prince,
Dinkins,	Reynolds,
Goodwin,	Rozar,
Golden,	Sikes,
Guilford,	Stone,
Harris of Chatham,	Wallace,
Harris of Newton,	Whiteley.
Harrison of Hancock,	

Those voting in the negative, are Messrs.

Akerman,	Gilbert,
Alexander,	Harland,
Angier,	Higbee,
Bell of Banks,	Higden,
Bigby,	Hudson,
Bryson,	Hutcheson,
Burnett,	King,
Carson,	Knox,
Cameron,	Lee,
Christian of Newton,	Lott,
Christian of Early,	Marler,
Cole,	Martin of Carroll,
Crawford,	Martin of Calhoun,
Dunning,	McHan,
Dunnegan,	McCay,
Ellington,	Minor,
Fields,	Miller,
Flynn,	Moore of White,



Robertson,	Trammell,
Saffold,	Waddell,
Saulter,	Welch,
Shields,	Whitaker,
Smith of Thomas,	Whitehead of Burke,
Speer,	Williams,
Shropshire,	Woodey,
Shumate,	Yeates.
Stanford,	

There are yeas, 43; nays, 53. There being less than two-thirds voting in the affirmative, the motion to suspend the Rule did not prevail.

Mr. McCay moved to suspend the Rule for the purpose of introducing a Resolution authorizing the Messenger to furnish wood and lights for the use of the Convention.

The motion did not prevail.

On motion of Mr. Bryant, the report of the Committee on Executive Department was taken up, and made the special order for tomorrow.

The Convention, on motion, adjourned until 9½ o'clock a. m., tomorrow.

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ATLANTA, GA., Thursday, Feb. 6, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read, and Mr. Dunnegan moved a reconsideration of so much thereof as relates to the action of the Convention on yesterday on the whole subject-matter of relief.



Pending discussion of this motion, Mr. McCay rose to a point of order, assuming that, when a question is itself not debatable, the motion for its reconsideration is not debatable.

The point of order was overruled by the Chair.

Mr. McCay moved to lay the motion to reconsider on the table.

Upon this proposition the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Alexander,	Cobb of Houston,
Anderson,	Cobb of Madison,
Ashburn,	Costin,
Bedford,	Conley,
Beaird,	Crayton,
Bell of Oglethorpe,	Cotting,
Bowden of Campbell,	Davis,
Bowden of Monroe,	Dinkins,
Blodgett,	Gibson,
Blount,	Gilbert,
Brown,	Goodwin,
Bracewell,	Golden,
Bradley,	Harris of Newton,
Bullock,	Harrison of Hancock,
Burnett,	Hotchkiss,
Carson,	Hooks,
Catching,	Howe,
Casey,	Jackson,
Caldwell,	Joiner,
Clift,	Jones,
Christian of Newton,	Jordan,
Claiborne,	Knox,
Chambers,	Lee,
Cooper,	Linder,



Lumpkin,	Smith of Charlton,
Mauil,	Speer,
McCay,	Shropshire,
McWhorter,	Shumate,
Moore of Columbia,	Supple,
Noble,	Stone,
Palmer,	Strickland,
Pope,	Trawick,
Prince,	Turner,
Reynolds,	Walton,
Rozar,	Wallace,
Roberts,	Welch,
Robertson,	Whitaker,
Saulter,	Whitehead of Burke,
Sikes,	Whiteley,
Seeley,	Williams.
Sherman,	

Those who voted in the negative, are Messrs.

Akerman,	Higbee,
Angier,	Higden,
Baldwin,	Houston,
Bell af Banks,	Hudson,
Bowers,	Hutcheson,
Bigby,	King,
Bryant,	Lott,
Bryson,	Madden,
Cameron,	Maddox,
Christian of Early,	Martin of Carroll,
Cole,	Martin of Calhoun,
Crane,	McHan,
Crawford,	Minor,
Crumley,	Miller,
Dunning,	Moore of White,
Dunnegan,	Murphy,
Ellington,	Rice,
Fields,	Saffold,
Fort,	Shields,
Harland,	Smith of Coweta,



Smith of Thomas,  
Stanford,  
Stanley,

Trammell,  
Woodey.

There were yeas, 81; nays, 45. So the motion prevailed.

Leave of absence was granted to Mr. Dews, on account of sickness.

The Rule was suspended, on motion of Mr. Speer, when he offered the following Resolution, to-wit:

*Resolved*, That the employment of three Pages be, and the same is hereby authorized, from the first day of the session of this Convention, and that said Pages be allowed one dollar per day, each, for their services; and that the Auditing Committee be authorized to issue their warrants to each of said Pages for the respective amounts due them to date, which accounts shall be countersigned by the President and attested by the Secretary.

Mr. Turner moved to amend by striking out "one dollar" and inserting "two dollars."

The motion did not prevail.

Mr. Whiteley offered the following amendment, which was adopted, to-wit:

And that the Messenger be authorized to purchase fuel and lights for the use of this Hall.

On motion of Mr. Bryant, the same was amended, as follows, to-wit:

And that the sum of three dollars per day be allowed to an Assistant Messenger and Assistant Doorkeeper, each, dating from the commencement of the session, and



payable under the provisions of this Resolution in relation to Pages.

The same, as amended, was adopted.

A memorial from certain citizens of the county of Cobb was laid before the Convention, and, on motion, referred to the Committee on Finance.

The report of the Committee on Executive Department being the special order of this day, was taken up for consideration, Mr. Trammell in the Chair.

Mr. Parrott offered as a substitute for the said report the Constitution of the State of Georgia, framed by the Convention of the year 1865, with certain amendments.

Mr. Ashburn rose to a point of order, submitting whether a substitute for the entire Constitution to be framed by the Convention could be offered, while only a part of that Constitution is under consideration.

The President *pro tem.* decided that the substitute was in order, because it was germane to the question under consideration.

From this decision Mr. Ashburn appealed, and on the question of sustaining the decision the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,  
Angier,  
Bell of Banks,  
Bowden of Monroe,  
Bigby,  
Blount,  
Brown,

Bracewell,  
Bryson,  
Burnett,  
Carson,  
Cameron,  
Campbell,  
Christian of Early,



Chambers,	Lott,
Cooper,	Maddox,
Cole,	Marler,
Crane,	Mathews,
Crawford,	Martin of Carroll,
Crumley,	Martin of Calhoun,
Dunning,	McHan,
Dunnegan,	McCay,
Ellington,	Miller,
Fields,	Moore of White,
Flynn,	Robertson,
Fort,	Saffold,
Harland,	Saulter,
Higbee,	Shields,
Higden,	Smith of Coweta,
Hotchkiss,	Smith of Thomas,
Houston,	Speer,
Howe,	Shropshire.
Hudson,	Shumate,
Hutcheson,	Stanford,
Jones,	Trawick,
Jordan,	Turner,
King,	Waddell,
Knight,	Welch,
Knox,	Woodey.
Lee,	

Those who voted in the negative, are Messrs.

Alexander,	Catching,
Anderson,	Casey,
Ashburn,	Clift,
Bedford,	Christian of Newton,
Beaird,	Claiborne,
Bell of Oglethorpe,	Cobb of Houston,
Bowers,	Costin,
Blodgett,	Conley,
Bryant,	Craton,
Bradley,	Cotting,
Bullock,	Davis,



Dinkins,	Palmer,
Gilbert,	Pope,
Goodwin,	Potts,
Golden,	Prince,
Guilford,	Reynolds,
Harris of Newton,	Rozar,
Harrison of Hancock,	Sikes,
Jackson,	Seeley,
Joiner,	Sherman,
Linder,	Supple,
Lumpkin,	Stone,
Madden,	Walton,
Maul,	Wallace,
Minor,	Whitaker,
McWhorter,	Whitehead of Burke,
Moore of Columbia,	Whiteley,
Murphy,	Wooten.
Noble,	

There are yeas, 65; nays, 57. So the decision of the Chair was sustained.

Mr. Bryant moved to lay the proposed substitute of Mr. Parrott on the table.

The Chair being called on to state the effect of laying the substitute on the table, decided that this action would carry, also, the main proposition.

From this decision Mr. Conley took an appeal.

Mr. Akerman rose to a point of order, assuming that the answer of the Chair to an inquiry was not such decision as would admit of an appeal.

At this junction the appeal of Mr. Conley was withdrawn, and the point of order taken by Mr. Akerman was left undecided.



Mr. Bryant withdrew for the present his motion to lay the substitute on the table.

This motion was renewed by Mr. Whiteley, and the yeas and nays were required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Akerman,	Davis,
Alexander,	Dinkins,
Anderson,	Dunning,
Ashburn,	Ellington,
Bedford,	Gilbert,
Beaird,	Goodwin,
Baldwin,	Golden,
Bell of Oglethorpe,	Guilford,
Bowden of Campbell,	Harland,
Bowers,	Harris of Newton,
Blodgett,	Harrison of Hancock,
Bryant,	Higbee,
Brown,	Hotchkiss,
Bracewell,	Howe,
Bradley,	Jackson,
Bullock,	Joiner,
Burnett,	Jones,
Carson,	Jordan,
Catching,	Knox,
Casey,	Linder,
Caldwell,	Lumpkin,
Clift,	Maul,
Christian of Newton,	McHan,
Claiborne,	McCay,
Chambers,	Minor,
Cooper,	Moore of Columbia,
Cobb of Houston,	Murphy,
Costin,	Noble,
Conley,	Palmer,
Crayton,	Pope,
Crumley,	Prince,
Cotting,	Reynolds,



Rice,	Stone,
Rozar,	Turner,
Saffold,	Walton,
Sikes,	Wallace,
Seeley,	Welch,
Sherman,	Whitaker,
Speer,	Whitehead of Burke,
Shumate,	Whiteley,
Supple,	Williams.

Those who voted in the negative, are Messrs.

Angier,	Lee,
Bell of Banks,	Lott,
Bigby,	Maddox,
Blount,	Mathews,
Bryson,	Martin of Carroll,
Cameron,	Martin of Calhoun,
Christian of Early,	Miller,
Cole,	Moore of White,
Crane,	Robertson,
Crawford,	Saulter,
Dunnegan,	Shields,
Fields,	Smith of Coweta,
Flynn,	Smith of Thomas,
Fort,	Shropshire,
Higden,	Stanford,
Houston,	Trammell,
Hudson,	Waddell,
Hutcheson,	Woodey.
King,	

There are yeas, 82; nays, 37. So the motion to lay on the table prevailed.

Mr. Harris moved the adoption of the report of the Committee.

Upon this motion Mr. Conley called for the previous question, which was not sustained.



Mr. Blodgett offered the following as an amendment to the eighth section, to be made the commencement thereof, to-wit:

There shall be a Lieutenant-Governor elected at the same time and for the same period as the Governor, who shall preside over the deliberations of the State Senate; and, in case of the death, resignation or disability of the Governor, shall exercise the executive power of the Government until the removal of the disability, or the election and qualification of a Governor. The qualifications of the Lieutenant-Governor shall be the same as those of the Governor. His emolument shall be, while presiding over the Senate, double the *per diem* of a Senator.

Mr. Blodgett proposed to amend further by striking out the words "President of the Senate" wherever they occur in the report of the Committee, and inserting in lieu thereof "Lieutenant-Governor."

Mr. Bradley proposed to amend the first section by adding after the word "Governor," in the first line, the words "and Lieutenant-Governor," by striking out the word "other" in the fourth line, and the words "or either of them," in the fifth line.

Pending discussion of the foregoing amendments, the death of the Hon. C. C. Richardson was announced.

The discussion immediately ceased, the Rule was suspended, and the following Resolution, offered by Mr. Bedford, was unanimously adopted:

Information having been received in this Convention of the death of the Hon. C. C. Richardson, delegate from the Twentieth District, Be it



*Resolved*, That a Committee be appointed by the Chair to prepare a suitable memorial in honor of the deceased, and report the same to this Convention on tomorrow morning.

The President appointed Messrs. Bedford, Bryant, Seeley, Whiteley, and Bullock as a Committee under the foregoing Resolution.

The following Resolution, offered by Mr. Wallace, was unanimously adopted:

*Resolved*, That as a mark of respect for the memory of the Hon. C. C. Richardson, deceased, this Convention do now adjourn.

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ATLANTA, GA., Friday, February 7, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Bowers.

The Journal was read and the unfinished business of yesterday resumed, to-wit: the report of the Committee on Executive Department, and the amendments offered thereto yesterday by Messrs. Blodgett and Bradley.

Upon the question of adopting the amendment of Mr. Blodgett, the previous question was called for and sustained.

The main question was put, to-wit: the amendment of Mr. Blodgett, which was not adopted.

The amendment of Mr. Bradley was also lost.

Upon a motion to further amend, Mr. Trammell rose



to a point of order, assuming that as the Convention had decided to take up the report as a whole, and as the previous question had been called and sustained thereon, no further amendments could be offered.

The point of order was sustained by the Chair.

Mr. Bryant appealed from the decision of the Chair.

The decision was sustained.

Upon the question of adopting the report of the Committee the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Akerman,	Davis,
Angier,	Dunning,
Bell of Banks,	Dunnegan,
Bowden of Monroe,	Ellington,
Bowers,	Foster of Paulding,
Bigby,	Harland,
Blount,	Higden,
Brown,	Hotchkiss,
Bracewell,	Houston,
Bryson,	Holcombe,
Buchan,	Howe,
Burnett,	Hudson,
Carson,	Hutcheson,
Cameron,	Key,
Christian of Newton,	Knox,
Christian of Early,	Lee,
Claiborne,	Lott,
Chambers,	Maddox,
Cooper,	Martin of Carroll,
Cobb of Madison,	Martin of Habersham,
Cole,	McHan,
Conley,	McCay,
Crane,	Miller,
Crawford,	Moore of White,



Potts,	Shropshire,
Rice,	Shumate,
Roberts,	Stanford,
Robertson,	Trammell,
Saffold,	Trawick,
Saulter,	Waddell,
Smith of Charlton,	Welch,
Smith of Coweta,	Whitely,
Smith of Thomas,	Woodey.
Speer,	

Those who voted in the negative, are Messrs.

Alexander,	Higbee,
Anderson,	Jackson,
Ashburn,	Joiner,
Bedford,	Jones,
Beaird,	Linder,
Bell of Oglethorpe,	Lumpkin,
Bowden of Campbell,	Madden,
Bryant,	Maull,
Bradley,	Minor,
Campbell,	Moore of Columbia,
Catching,	Murphy,
Casey,	Noble,
Caldwell,	Palmer,
Clift,	Prince,
Chatters,	Reynolds,
Cobb of Houston,	Rozar,
Costin,	Sikes,
Crayton,	Shields,
Crumley,	Seeley,
Dinkins,	Sherman,
Gilbert,	Supple,
Golden,	Stone,
Guilford,	Strickland,
Harris of Chatham,	Turner,
Harrison of Hancock,	Walton,



Wallace,	Williams,
Whitaker,	Wooten.
Whitehead of Burke,	

There are yeas, 67; nays, 55.

So the report was adopted, and reads as recorded in the Journal of the 9th day of January.

Mr. Whitely moved a suspension of the Rules for the purpose of taking up the report of the Committee on Legislative Department.

The motion to suspend the Rule prevailed.

Mr. Bryant proposed to amend the motion of Mr. Whitely, by substituting the report of the Committee on Franchise.

The amendment was received, and the report of the Committee on Franchise was taken up by Sections.

The first section was adopted without amendment.

Mr. Blount moved to amend the second section by striking out "six months" and inserting in lieu thereof "twelve months."

The same was not received.

Mr. Murphy moved to strike out from said section the words "three months" and insert in lieu thereof the words "thirty days."

The same was adopted.

Mr. Akerman moved to amend the second section by adding after the word "vote," in the fourth line, the following:

And shall have paid all taxes which may have been



required of him, and which he may have had an opportunity of paying, agreeably to law, for the year next preceding the election.

Also, proposed to amend said section by adding at its close the following:

*Provided*, That the General Assembly shall have power to require an education qualification of voters, who may arrive at the age of twenty-one years after the first day of January, 1873.

Pending discussion on the foregoing amendments of Mr. Akerman, Mr. Bedford rose to a question of privilege relative to the death of the Hon. C. C. Richardson, delegate from the Twentieth District.

On motion of Mr. Blount the Rule was suspended for the introduction of the following Resolutions by Mr. Bedford as Chairman of the Special Committee appointed to prepare a suitable memorial in honor of the deceased, to-wit:

WHEREAS, It has pleased Divine Providence to take from our midst, in the vigor of manhood and in the full enjoyment of the blessings of health and prosperity, as well as in the due performance of his duties as a delegate from the Twentieth Senatorial District of Georgia in the Constitutional Convention of the same, the Hon. C. C. Richardson, formerly of Dixfield, in the State of Maine; and,

WHEREAS, The said delegate has passed from our midst by a most unfortunate occurrence, after having for years braved death in behalf of his flag and country, and having exemplified by his acts as a soldier his devotion to the Constitution and the Union; and,



WHEREAS, The deceased, true to his first principles, and ardent in his desire to restore the Union, has, as a co-laborer in the work of Reconstruction, zealously represented his District, and has fallen in the midst of his official labors.

*Resolved*, That this Convention recognize in the person of the deceased a zealous and steadfast friend, an open and manly opponent, and an earnest co-laborer in the work of restoration.

*Resolved*, That this Convention tender their sympathies to the relatives and friends of the deceased.

*Resolved*, That the Convention do wear the usual badge of mourning for a period of thirty days.

*Resolved*, That a copy of the above be forwarded to the immediate relatives of the deceased.

The same was unanimously adopted.

The following Resolution, offered by Mr. Bedford, was taken up, and also unanimously adopted:

*Be it Resolved*, That the Committee on Printing be instructed to have five hundred copies of the Memorial, Resolutions, and remarks made by the delegates printed for the use of the Convention, and that the Secretary be instructed to forward to the mother and sisters of the deceased a copy of the same.

On motion of Mr. Whitely, the Convention adjourned until tomorrow morning, 9½ o'clock.



ATLANTA, GA., Saturday, February 8, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Conley moved a reconsideration of so much of the Journal of yesterday as relates to the adoption of the report of the Committee on Executive Department.

Upon this proposition the previous question was called for and seconded, and the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Dunning,
Alexander,	Gilbert,
Anderson,	Goodwin,
Ashburn,	Golden,
Beaird,	Guilford,
Bell of Oglethorpe,	Harrison of Hancock,
Bowers,	Higbee,
Bryant,	Hotchkiss,
Bradley,	Jackson,
Campbell,	Joiner,
Carson,	Jones,
Catching,	Knox,
Casey,	Linder,
Clift,	Lumpkin,
Chatters,	Madden,
Chambers,	Maul,
Cobb of Houston,	Minor,
Costin,	McWhorter,
Conley,	Moore of Columbia,
Crumley,	Murphy,
Davis,	Noble,
Dinkins,	Palmer,



Pope,	Shumate,
Potts,	Supple,
Prince,	Stone,
Reynolds,	Walton,
Rice,	Wallace,
Rozar,	Welch,
Sikes,	Whitaker,
Seeley,	Whitehead of Burke,
Sherman,	Whiteley,
Smith of Charlton,	Williams.

Those who voted in the negative, are Messrs.

Akerman,	Hutchinson,
Angier,	Jordan,
Bell of Banks,	Key,
Bowden of Monroe,	Lee,
Blount,	Lott,
Bracewell,	Maddox,
Bryson,	Martin of Carroll,
Burnett,	Martin of Habersham,
Cameron,	McCay,
Claiborne,	Miller,
Cooper,	Moore of White,
Cobb of Madison,	Saffold,
Crane,	Saulter,
Crawford,	Shields,
Dunnegan,	Smith of Thomas,
Ellington,	Speer,
Flynn,	Shropshire,
Foster of Paulding,	Stanford,
Harland,	Stanley,
Higden,	Trammell,
Houston,	Trawick,
Holcombe,	Waddell,
Howe,	Woodey,
Hudson,	Wooten.

There are yeas, 64; nays, 48. So the motion to reconsider prevailed.



On motion of Mr. Akerman, leave of absence was granted to Mr. Bigby, on account of important business of an official character.

The reconsidered report of the Committee on Executive Department was, on motion of Mr. Conley, taken up, and amended by striking out "ten" and inserting in lieu thereof "six," wherever it occurs in section third and second line.

The report, as amended, was adopted, and referred to the Committee on Revision.

Mr. Shropshire, from the Finance Committee, made the following report, to-wit:

Section 1. *Be it ordained by the people of Georgia, in Convention assembled, That an Ordinance of this Convention, passed on the 20th day of December, in the year 1867, entitled*

"An Ordinance to levy and collect a tax to pay the delegates and officers connected with the Convention, as well as all other incidental expenses," except the second section thereof, is hereby rescinded, and the following is ordained in lieu thereof, to-wit:

That it shall be the duty of the Comptroller-General of the State of Georgia to levy and assess a tax of one-tenth of one per cent. on all the taxable property of this State, as returned upon the digest for the year 1867, for the purpose of defraying the expenses of this Convention, and the compensation of officers and members thereof; and it shall be the duty of the tax collectors in the several counties of this State to collect the tax so assessed, and to pay the same to the Comptroller-General on or before the first day of May, 1868. And it shall be the duty of



the several Tax Collectors to issue executions against all persons subject to taxation under this Ordinance whose tax is unpaid, after twenty days' notice to pay it, for the amount of tax due by them, and fifty *per centum* thereon and all costs; and of Sheriffs and Constables to levy and sell under such executions and to return the proceeds to the Tax Collectors as soon as the same can be done under the provisions of existing laws.

Sec. 2. *Be it further ordained*, That any scrip which may be issued by the authority of this Convention for the purpose aforesaid, shall be receivable by the Comptroller-General from the Tax Collectors in payment of the tax aforesaid.

Sec. 3. *Be it further Ordained*, That the Tax Collectors shall receive the same per cent. for collecting the tax aforesaid as they are now allowed by law for collecting the State tax.

Sec. 4. *Be it further Ordained*, That the Comptroller-General shall issue to Tax Collectors all necessary orders for the collection and payment of the tax aforesaid; which orders shall be binding upon said Tax Collectors.

Sec. 5. *Be it further Ordained*, That the moneys and script received by the Comptroller-General under this Ordinance be paid by him into the Treasury of this State, to be disposed of as this Convention shall hereafter direct.

Also the following, to-wit:

Resolutions in relation to an Ordinance providing means of defraying the expenses of this Convention, etc.

1. *Resolved*, That the General commanding the Third Military District be requested to enforce an Ordinance



of this Convention, passed this day, entitled "An Ordinance to provide the means of defraying the expenses of this Convention, and the compensation of officers and members."

2. *Resolved*, That copies of said Ordinance and of these Resolutions be transmitted by the President to Major-General Meade, to the Provisional Governor, and Comptroller-General of the State.

On motion of Mr. Shropshire, the Rule was suspended, and foregoing report taken up.

Mr. Whiteley moved to lay the same on the table until Monday next.

The motion did not prevail.

The President stated that, as this report proposed to rescind an Ordinance passed by this Convention, it would require a vote of two-thirds for its adoption.

The question of its adoption being submitted, a division was called for.

There were 98 yeas and 13 nays.

Being a vote of two-thirds in the affirmative, the report was adopted, to-wit: the Ordinance and Resolutions relating thereto, as reported.

Mr. Burnett, Chairman of the Committee appointed to investigate certain charges in relation to A. A. Bradley, made the following report, to-wit:

Your Committee appointed on the 22d January, last, to investigate the truth or falsity of a charge made against Aaron Alpeoria Bradley, a member of this Con-



vention, to the effect that he had at one time been convicted in a New York Court of a grave offense, and sentenced therefor to two years imprisonment in a penitentiary, beg leave to report: That they have in their possession a duly certified copy of the record of the City Court of Brooklyn, N. Y., showing that on the 13th day of June, 1851, Aaron Bradley, born near Augusta, Georgia, was convicted of seduction, and thereupon sentenced to two years' imprisonment in the State's Prison.

Your Committee have also in their possession a published copy of a regular certified copy of the records of the Superior Court of the county of Suffolk, holden in the City of Boston and Commonwealth of Massachusetts, showing that Aaron A. Bradley was, on the 4th day of October, 1856, stricken from the roll of attorneys, and removed from practice in any Court in Massachusetts, for contempt of Court and malpractice; the original of which copy is subject to the order of the Chairman of your Committee.

Your Committee would also beg leave to state that the said Bradley was invited to come before them, and any reasonable defense he might offer would be fairly entertained; but he declined so to do.

In view of the evidence hereto attached, your Committee think there is nothing that can justify this body in retaining, as a member to this Convention, the said Bradley. They therefore recommend the immediate adoption of the following Resolution:

Resolved, That in view of the evidence against A. A. Bradley, a member of this Convention, of *criminal* conduct, said Bradley be, and he is hereby expelled from the Hall of this Convention.



The following evidence was submitted with the foregoing report:

The People of the State of New York, by the grace of God, Free and Independent.

*To all whom these presents may come—Greeting:*

Know ye, that we, having inspected the files and records of our City Court at the City of Brooklyn, in the County of Kings, do find a certain record remaining there, on file of record, in the words and figures following, to-wit:

Thursday, 12th June, 1851.

The People, etc.,	}	H. A. Moore,	}	Indictment,
vs.				Seduction.
Aaron Bradley.	}	Allen.	}	

On motion of the District Attorney, ordered that he have leave to proceed to trial.

*People's Witnesses.*—Cecilia Holley, Elizabeth Clark, James T. Holley, Eliza Jackson, Maria Holmes.

*Jurors Sworn.*—James Bennett, Francis Quevedo, Leonard Cooper, Robert Craig, Sam'l B. Tuthill, Barzilia Russell, Wm. Brown, Jarvis Wood, Platt W. Jarvis, John French, Ira Smith, Simon Driscoll.

Proclamation made, and Court adjourned to Friday, 13th.

Friday, June 13th, 1851, Court met pursuant to adjournment.

Present as above.

Proclamation made, and Court opened.

Same

vs.

Same.

*Cause continued.*



*Defendant's Witnesses.*—John S. Kenney, Horace Redfield, J. J. Simons, H. H. Moore.

The Jury retired in charge of a sworn officer. On returning into Court, they say they find the defendant guilty.

Aaron Bradley having been convicted of seduction, was sentenced to imprisonment in the State's Prison at Mount Pleasant, for a term of two years.

Being examined under oath, says he was born near Augusta, in Georgia: declines answering to his age; is a shoemaker by trade; practices law, and was never in any State Prison before.

All of which we have caused, by these presents, to be exemplified, and the seal of said Court for said City to be hereunto affixed.

[SEAL] THE CITY COURT OF BROOKLYN.

Witness Hon. George Thompson, Judge of the City Court of Brooklyn, this 29th day of January, 1868, and in the ninety-second year of the independence of the United States.

JOSEPH T. SACKETT,

Clerk City Court of Brooklyn.

I, George Thompson, Judge of the City Court of Brooklyn, do hereby certify that Joseph T. Sackett, whose name is subscribed to the preceding exemplification, is the Clerk of the said City Court of Brooklyn, and that full faith and credit is due to his official acts.

I further certify that the seal affixed to said exemplification is the proper seal of said Court for said city,



and that the attestation thereof is in due form of law, and by the proper officer.

Witness my hand, at the City of Brooklyn, this 29th day of January, in the year 1868.

GEORGE THOMPSON,

Sole Judge of the City Court of Brooklyn.

I, the undersigned, Clerk of the City Court of Brooklyn, do certify that George Thompson, whose name is subscribed to the foregoing certificate, is the sole and only Judge of said City Court of Brooklyn, and is duly commissioned and qualified as such.

[SEAL] THE CITY COURT OF BROOKLYN.

In witness whereof I have subscribed my name, and affixed the seal of said Court, this 29th day of January, 1868.

JOSEPH T. SACKETT,

Clerk City Court of Brooklyn.

Mr. Blount moved a suspension of the Rule for the purpose of taking up the foregoing report.

Pending this motion, the following report of a majority of said Committee was offered by Mr. McCay:

The undersigned, members of the Committee to investigate and report upon the charges which have been made against Mr. A. A. Bradley, one of the delegates from the First District, report, that they have examined the evidences they have been able to obtain, with the following result: It appears by a certified copy of the record in the case, that on the 13th day of June, 1851, Aaron Bradley was convicted, before the City Court of



the City of Brooklyn, N. Y., of the crime of seduction, and sentenced to two years' imprisonment in the State's Prison.

It further appears, from what seems to us tolerably satisfactory testimony, to-wit: a published copy of what purports to be a certified copy of a record of the Superior Court of Suffolk, of the State of Massachusetts, that, on the 4th day of October, 1856, A. Bradley, or A. A. Bradley, was dismissed or stricken from the Bar for malpractice in the duties of an Attorney.

Your Committee are satisfied from these papers, to which Mr. Bradley's attention has been called, and which he has not even attempted to deny, in any positive way, that he is the identical person alluded to.

We are not prepared to say what should be the action of the Convention in this matter. It cannot be denied that these are very grave charges against the person implicated, but we are not sure that any remedy is in the power of the Convention. There is no law fixing any qualifications for membership in this body except the Act of Congress of 2d March, 1867. That Act makes but one qualification, conformity to the third section of the proposed Constitutional Amendment, Article XIV. It is true, that Act prescribes conviction for felony at common law as a disqualification of a voter. Seduction is not felony at common law, nor is simple seduction felony by the laws of Georgia at all. It appears to us that this Convention would be adopting a dangerous rule to prescribe guilt of any offense or disqualification for a seat.

A Convention is in its nature a body which meets above all rules, except those prescribed in its call. Perhaps half the members of this Convention, as well as that



of 1865, are held by the United States to have been guilty of treason. It is true that they have been pardoned, but we greatly doubt if the pardon is at all necessary to make them eligible. This Convention has, without doubt, power to expel a member guilty of a serious crime whilst a member; but we are not clear that it can, within the scope of its powers, examine into the past history of one of its members, and finding it grossly immoral or criminal, to go behind the vote of the people and expel him.

We therefore report the facts, and ask to be discharged.

H. K. McCAY,  
J. E. BRYANT,  
S. W. BEAIRD,  
JOHN T. COSTIN,  
R. H. WHITELEY.

The motion of Mr. Blount for the suspension of the Rule prevailed.

The reports of the Committee were taken up.

Mr. Blount moved the adoption of the report offered by the Chairman of the Committee, Mr. Burnett, designated in the motion as the minority report.

Mr. Adkins moved to lay the same on the table.

The motion did not prevail.

Mr. Hotchkiss moved the reference of the whole subject-matter to General Meade.

This motion was withdrawn by consent of the Convention.

Mr. Bradley asked leave to file his denial of the charges preferred.



The permission was granted, and his denial filed is as follows:

HALL OF THE GEORGIA CONSTITUTIONAL CONVENTION, }  
February 8th, 1868. }

In the Matter of	}	Charged with Imprisonment
A. A. BRADLEY.		for Seduction, under the laws of New York.

The delegate charged, occupying a seat in the Convention by order of Major-General Pope, comes and denies the charges set forth in the report of the Committee, and also denies the truth of any supposed legal evidence upon which the same was founded; and prays that he be heard in his defense personally, and by the members of this Convention, and that said examination be conducted under the Resolution presented by Mr. George P. Burnett and adopted by the Convention.

A. A. BRADLEY.

Mr. Trammell moved that Mr. Bradley be allowed to remain in the Hall until he should conclude his defense.

Mr. Bryant offered to amend the motion of Mr. Trammell, so as to allow Mr. Bradley to remain until the vote is about to be taken.

The motion of Mr. Trammell, as amended, prevailed.

The question recurring upon the motion of Mr. Blount for the adoption of the minority report, Mr. Hotchkiss called for the previous question, which was not sustained.

Mr. Bryant moved that the whole subject-matter under consideration be laid on the table, made the special



order for Tuesday next, and that five hundred copies of the reports and evidence be printed for the use of the Convention.

By consent, his proposition to print was withdrawn; and upon the question of laying upon the table, and making the subject-matter under consideration the special order for Tuesday next, the yeas and nays were required to be recorded.

Those who voted in the affirmative are Messrs.

Adkins,	Guilford,
Alexander,	Harris of Chatham,
Anderson,	Harrison of Hancock,
Ashburn,	Hopkins,
Beaird,	Jackson,
Baldwin,	Joiner,
Bell of Oglethorpe,	Jones,
Bowers,	Linder,
Bryant,	Lumpkin,
Bracewell,	Madden,
Campbell,	Maul,
Carson,	McCay,
Catching,	Minor,
Casey,	Moore of Columbia,
Clift,	Murphy,
Chatters,	Noble,
Claiborne,	Palmer,
Chambers,	Pope,
Cobb of Houston,	Prince,
Costin,	Reynolds,
Conley,	Rice,
Crayton,	Rozar,
Davis,	Sikes,
Dinkins,	Seeley,
Dunnegan,	Sherman,
Golden,	Supple,



Stone,	Whitaker,
Turner,	Whitehead of Burke,
Walton,	Whitely,
Wallace,	Wooten.
Welch,	

Those who voted in the negative, are Messrs.

Akerman,	Jordan,
Angier,	Key,
Bell of Banks,	Knox,
Bowden of Monroe,	Lee,
Blount,	Lott,
Bryson,	Maddox,
Burnett,	Martin of Carroll,
Cameron,	Martin of Habersham,
Christian of Early,	Miller,
Cooper,	McWhorter,
Cole,	Moore of White,
Crane,	Potts,
Crawford,	Roberts,
Crumley,	Saffold,
Dunning,	Saulter,
Ellington,	Shields,
Flynn,	Smith of Charlton,
Foster of Paulding,	Smith of Coweta,
Gilbert,	Smith of Thomas,
Harland,	Speer,
Higbee,	Shropshire,
Higden,	Shumate,
Hotchkiss,	Stanford,
Houston,	Stanley,
Holcombe,	Trammell,
Howe,	Trawick,
Hudson,	Waddell,
Hutcheson,	Woodey.

There are yeas, 61; nays, 56. So the motion of Mr. Bryant prevailed.



Mr. Higbee, from the Committee on Enrollment, made the following report:

*Mr. President:*

The Committee on Enrollment report that the following Resolutions have been duly enrolled, and are ready for the signature of the President and the attestation of the Secretary, to-wit:

A Resolution approving the plan reported by the Committee on Finance.

A Resolution adding C. H. Hopkins, H. V. M. Miller, and Benjamin Conley to the Committee on Finance.

A Resolution fixing the hours of meeting and adjournment.

Report of the Special Committee on Disbursements.

A Resolution to add three members to the Committee on Printing.

W. A. FORT, Chairman.

The unfinished business of yesterday was resumed, to-wit: The report of the Committee on Franchise, the second section thereof being first in order, with two amendments reported on the Journal of yesterday as having been proposed by Mr. Akerman.

The vote was taken first on the first of said amendments, and the same was adopted, to-wit: Insert after the word "vote," in the fourth line of the second section, the following:

And shall have paid all taxes which may have been required of him, and which he may have had an oppor-



tunity of paying, agreeably to law, for the year next preceding the election.

Mr. Turner offered the following as a substitute for the second amendment of Mr. Akerman, to-wit:

That the Governor shall issue a proclamation, so soon as the Common School System shall have become in full operation, declaring that fact, and no person who becomes twenty-one years of age five years after the date of said proclamation shall vote, unless he possesses such educational qualifications as the Legislature may prescribe.

Mr. McCay moved to amend the amendment of Mr. Akerman by providing that the only educational qualification which the Legislature may prescribe shall be the ability to read intelligently the English language.

This amendment was accepted by Mr. Akerman, who revised his amendment to embrace that of Mr. McCay, and to read as follows, to-wit:

*Provided*, That the General Assembly shall have power to require ability to read the English language intelligently, as a qualification of voters who shall arrive at the age of twenty-one years after the first day of January, 1873.

Mr. Stanford offered the following as a substitute for the second section, as amended, and the pending amendments thereto, to-wit:

Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upwards, who shall have resided in this State twelve months next preceding the election, and shall have resided six months



in the County in which he offers to vote, shall be deemed an elector.

*Provided*, That no soldier, or sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State; *Provided*, that all persons who have heretofore been citizens shall be deemed electors, and all persons who have been made citizens by the Reconstruction Acts of Congress, shall be deemed electors after the year 1875; *Provided*, That they can read and write, and understand the moral obligation of an oath, and shall own and possess, in his or their own right, two hundred and fifty dollars' worth of real estate, and shall have paid all legal taxes for the year preceding the election required by the laws of this State.

Mr. Ashburn offered the following as an amendment to the foregoing substitute of Mr. Stanford, to-wit:

Except those who willingly and voluntarily engaged in making war against the Government of the United States, who shall not be allowed to vote until the year 1875, when the Legislature may extend to them, by a vote of two-thirds, the elective franchise.

Mr. Bryant moved that debate cease on the second section of the report.

The motion did not prevail.

After further discussion, Mr. Costin renewed the motion that debate cease on said section.

The motion prevailed.

Mr. Ashburn, by consent of the Convention, withdrew his amendment to the substitute of Mr. Stanford.



The vote was taken on said substitute, and the same was not adopted.

The substitute of Mr. Turner for the amendment of Mr. Akerman was lost.

The question recurring on the amendment of Mr. Akerman, the yeas and nays were demanded thereon.

Those who voted in the affirmative, are Messrs.

Akerman,	Hutcheson,
Angier,	Key,
Bell of Banks,	Knox,
Bowden of Monroe,	Lee,
Bowers,	Maddox,
Burnett,	Martin of Habersham,
Carson,	McCay,
Cameron,	Potts,
Christian of Newton,	Rice,
Christian of Early,	Saffold,
Cole,	Saulter,
Conley,	Smith of Charlton,
Crawford,	Smith of Coweta,
Davis,	Smith of Thomas,
Dunning,	Shumate,
Flynn,	Stanford,
Foster of Paulding,	Trammell,
Hotchkiss,	Trawick,
Howe,	Turner,
Hudson,	Waddell.

Those who voted in the negative, are Messrs.

Adkins,	Bell of Oglethorpe,
Alexander,	Bryant,
Anderson,	Bracewell,
Ashburn,	Bryson,
Beaird,	Bradley,
Baldwin,	Campbell,



Catching,	Madden,
Casey,	Maull,
Clift,	Martin of Carroll,
Claiborne,	Minor,
Chambers,	Moore of White,
Cobb of Houston,	Moore of Columbia,
Costin,	Murphy,
Crane,	Noble,
Crayton,	Palmer,
Crumley,	Pope,
Dinkins,	Prince,
Dunnegan,	Reynolds,
Ellington,	Rozar,
Gilbert,	Sikes,
Goodwin,	Shields,
Golden,	Sceley,
Guilford,	Sherman,
Harrison of Hancock,	Shropshire,
Higbee,	Supple,
Higden,	Stone,
Houston,	Strickland,
Hopkins,	Walton,
Jackson,	Wallace,
Joiner,	Welch,
Jones,	Whitaker,
Linder,	Whitehead of Burke,
Lott,	Whiteley,
Lumpkin,	Woodey.

There are yeas, 40; nays, 68. So the amendment was lost.

Mr. Bryant moved to amend the second section by inserting after the word "inhabitant," in the fifth line, the words "a citizen of the United States."

The same was adopted.

Mr. Bryant also proposed to amend by inserting after



the word "aforesaid," in the seventh line, the words "except as hereinafter provided."

The same was also adopted.

Mr. Foster, of Paulding, offered the following as a substitute for the second section, as amended, to-wit:

Every elector of this State shall be a free white male person, and shall have attained the age of twenty-one years, and who has paid all taxes which may have been required of him, and which he has had an opportunity of paying, agreeably to law, for the year preceding the election. He shall be a citizen of the United States, and shall have resided one year in this State, and six months in the county wherein he votes.

*Provided*, That no soldier, or sailor, or marine, in the military or naval service of the United States, shall hereafter acquire a residence on duty in this State; and no person, who is not qualified to vote, shall hold any office in this State.

Mr. McCay offered the following as an amendment to section second, in the form of an addition thereto, to-wit:

No person who shall, if challenged, refuse to take the following oath, shall vote at any election in this State:

"I do swear that I have not given or received, nor promised to give or receive, nor do I expect to give or receive, any money, treat, or other thing of value, by which my vote, or any vote, is affected, or expected to be affected, at this election; nor have I given, or promised to give, any reward, or made any threat by which to prevent any person from voting at this election."



Mr. McCay called for the previous question, which was seconded.

The main question was put, to-wit: the question of adopting his amendment.

The same was adopted.

The question then recurred on the adoption of the substitute of Mr. Foster, of Paulding.

The same was not adopted.

Section second was then adopted, on motion, with amendments, and reads as follows, to-wit:

Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upward, who shall have resided in this State six months next preceding the election, and shall have resided thirty days in the county in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opportunity of paying, agreeably to law, for the year next preceding the election, except as hereinafter provided, shall be deemed an elector; and every male inhabitant, a citizen of the United States, of the age aforesaid, who may be a resident of the State at the time of the adoption of this Constitution, shall be deemed an elector, and shall have all the rights of electors as aforesaid, except as hereinafter provided. No person who shall, if challenged, refuse to take the following oath, shall vote at any election in this State:

“I do swear that I have not given or received, nor promised to give or receive, nor do I expect to give or receive, any money, treat, or other thing of value, by



which my vote or any vote is affected, or expected to be affected, at this election; nor have I given or promised any reward, or made any threat, by which to prevent any person from voting at this election.”

Leave of absence was granted to Messrs. McCay and Turner until Wednesday next.

The Convention, on motion, adjourned until 9½ o'clock a. m., Monday.

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ATLANTA, GA., Monday, February 10, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Harlan.

The Journal was read.

Mr. Waddell gave notice that he should, at the proper time, move the reconsideration of the action of the Convention in relation to the second section of the report of the Committee on Franchise.

Leave of absence, on motion of Mr. Akerman, was granted Mr. Shropshire, on account of illness of his family.

The following communication from the Post Office Department was laid before the Convention, to-wit:



POST OFFICE DEPARTMENT,

CONTRACT OFFICE,

Washington, Feb. 5, 1868.

*J. R. Parrott, Esq., President Georgia Constitutional  
Convention, Atlanta, Ga.:*

SIR: A Resolution of the Georgia Convention recommending the reestablishment of the tri-weekly mail service between Gainesville and Anderson Court House, S. C., by way of Homer, Carnesville, and Hartwell, Ga., has been received at this office.

In reply I have the honor to inform you that Homer, a very small village, is now supplied with mails on route No. 6032, Harmony to Homer; Carnesville is on route No. 6023, Elberton to Carnesville, and also on route No. 6030, Danielsville to Carnesville, on 6031, Carnesville to Harmony Grove. Hartwell is supplied twice a week on route No. 6028, from Athens, Ga., to Anderson C. H., S. C.

This latter route ends at Anderson Court House, one of the proposed *termini* of the route recommended by the Convention, and runs *via* Hartwell to Athens, where it connects with a railroad, instead of turning northeast to Gainesville, away from all railroad connections, as asked in the petition.

Such being the state of the case, the Department necessarily declines increasing the already heavy expense of



the postal service in Georgia by opening any additional routes in the section indicated.

Very respectfully, etc.,

GEORGE W. McLELLAN,

Second Asst. P. M. Gen.

Mr. Martin, of Habersham, moved a suspension of the Rule for the purpose of offering the following Resolution, to-wit:

Resolved, That from and after the 20th of February inst., the *per diem* compensation of the members of this Convention shall be five dollars only.

Upon the question of suspending the rules the yeas and nays were required to be recorded:

Those who voted in the affirmative, are Messrs.

Adkins,	Claiborne,
Akerman,	Cooper,
Anderson,	Crane,
Angier,	Crawford,
Bell of Banks,	Crayton,
Bowden of Monroe,	Crumley,
Bowers,	Dews,
Blount,	Dunning,
Bryant,	Dunnegan,
Bryson,	Ellington,
Buchan,	Flynn,
Burnett,	Fort,
Carson,	Foster of Paulding,
Cameron,	Gove,
Caldwell,	Harrison of Hancock,
Clift,	Higbee,
Christian of Newton,	Higden,
Chatters,	Houston,



Holcombe,	Rozar,
Hooks,	Robertson,
Hudson,	Saulter,
Hutcheson,	Shields,
Joiner,	Seeley,
Jones,	Sherman,
Key,	Smith of Charlton,
Knox,	Smith of Coweta,
Linder,	Smith of Thomas,
Lott,	Speer,
Madden,	Shumate,
Maddox,	Stewart,
Maull,	Stanford,
Martin of Habersham,	Supple,
Minor,	Trammell,
Miller,	Trawick,
McWhorter,	Wallace,
Moore of White,	Waddell,
Moore of Columbia,	Welch,
Murphy,	Whitaker,
Potts,	Whitehead of Burke,
Prince,	Williams,
Reynolds,	Woodey.

Those who voted in the negative, are Messrs.

Alexander,	Dinkins,
Ashburn,	Gibson,
Baldwin,	Gilbert,
Bell of Oglethorpe,	Golden,
Bradley,	Griffin,
Campbell,	Guilford,
Casey,	Hotchkiss,
Christian of Early,	Lumpkin,
Chambers,	Martin of Carroll,
Cobb of Houston,	Pope,
Cobb of Madison,	Rice,
Costin,	Sikes,
Davis,	Stone,



Strickland,  
Whiteley,

Wooten.

There are yeas, 82; nays, 29. There being a vote of two-thirds in the affirmative, the motion to suspend the Rule prevailed.

The Resolution was taken up.

Mr. Trammell moved to amend the same by striking out the words "be five dollars," and inserting in lieu thereof the word "cease."

Mr. Davis proposed to amend by striking out the words "20th February inst.," and inserting "first of March."

Pending discussion on the proposed amendments, Mr. Whiteley moved that the Resolution and proposed amendments be laid on the table.

Upon this motion the yeas and nays were demanded.

Those who voted in the affirmative are Messrs.

Alexander,	Cobb of Houston,
Anderson,	Cobb of Madison,
Ashburn,	Costin,
Beaird,	Crayton,
Baldwin,	Davis,
Bell of Oglethorpe,	Dinkins,
Bryant,	Gibson,
Buchan,	Gilbert,
Campbell,	Golden,
Carson,	Griffin,
Casey,	Guilford,
Clift,	Harrison of Hancock,
Chatters,	Higbee,
Claiborne,	Higden,
Chambers,	Jackson,



Joiner,	Roberts,
Jones,	Sikes,
Linder,	Seeley,
Lumpkin,	Sherman,
Madden,	Shumate,
Maddox,	Stewart,
Maul,	Supple,
Martin of Carroll,	Stanley,
Moore of Columbia,	Stone,
Murphy,	Strickland,
Noble,	Walton,
Palmer,	Wallace,
Pope,	Welch,
Potts,	Whitaker,
Prince,	Whitehead of Burke,
Reynolds,	Whiteley,
Rice,	Williams,
Rozar,	Wooten.

Those who voted in the negative, are Messrs.

Adkins,	Dunnegan,
Akerman,	Ellington,
Angier,	Flynn,
Bell of Banks,	Fort,
Bowden of Monroe,	Foster of Paulding,
Bowers,	Gove,
Blount,	Hotchkiss,
Bryson,	Houston,
Burnett,	Holcombe,
Cameron,	Hooks,
Christian of Early,	Hudson,
Cooper,	Hutcheson,
Cole,	Key,
Crane,	King,
Crawford,	Knox,
Crumley,	Lott,
Dews,	Martin of Habersham,
Dunning,	Minor,



Miller,	Smith of Thomas,
McWhorter,	Speer,
Moore of White,	Stanford,
Robertson,	Trammell,
Saulter,	Trawick,
Shields,	Waddell,
Smith of Charlton,	Woodey.
Smith of Coweta,	

There are yeas, 66; nays, 51. So the motion to lay on the table prevailed.

On motion of Mr. Supple, the Rule was suspended for the introduction of the following Resolution:

*Resolved*, That it is the duty of this Convention, under the present circumstances, to inquire how many members are absent and how long, and that a Committee of five be appointed to report all delegates who are absent without leave, and the length of time and cause of such absence.

The Resolution was taken up and agreed to.

The President appointed the following Committee under the foregoing Resolution, to-wit: Messrs. Supple, Whiteley, Blount, Maddox, and Holcombe.

The motion of Mr. Waddell for the reconsideration of the action of the Convention in relation to the adoption of the second section of the report of the Committee on Franchise was taken up.

On the proposition to reconsider, Mr. Bryant called for the previous question, which was sustained.

Upon the main question the yeas and nays were required to be recorded.



Those who voted in the affirmative, are Messrs.

Bowden of Monroe,	Holcombe,
Burnett,	Hooks,
Cameron,	Hudson,
Christian of Early,	Hutcheson,
Cooper,	Key,
Dews,	King,
Fort,	Shumate,
Foster of Paulding,	Stanford,
Gove,	Trammell,
Griffin,	Waddell.

Those who voted in the negative, are Messrs.

Adkins,	Cobb of Madison,
Akerman,	Costin,
Alexander,	Cole,
Anderson,	Crane,
Angier,	Crawford,
Ashburn,	Crayton,
Beaird,	Crumley,
Baldwin,	Davis,
Bell of Oglethorpe,	Dinkins,
Bell of Banks,	Dunning,
Bowers,	Dunnegan,
Blount,	Ellington,
Bryant,	Gilbert,
Bracewell,	Golden,
Bryson,	Guilford,
Bradley,	Harris of Chatham,
Campbell,	Harrison of Hancock,
Carson,	Higbee,
Casey,	Higden,
Caldwell,	Hotchkiss,
Clift,	Houston,
Chatters,	Howe,
Claiborne,	Jackson,
Chambers,	Joiner,
Cobb of Houston,	Jones,



Jordan,	Robertson,
Knox,	Sikes,
Linder,	Shields,
Lott,	Seeley,
Lumpkin,	Sherman,
Madden,	Smith of Charlton,
Maddox,	Smith of Coweta,
Maull,	Smith of Thomas,
Martin of Carroll,	Speer,
Martin of Habersham,	Stewart,
Minor,	Supple,
Miller,	Stanley,
Moore of White,	Stone,
Moore of Columbia,	Strickland,
Murphy,	Trawick,
Noble,	Turner,
Palmer,	Walton,
Pope,	Wallace,
Potts,	Welch,
Prince,	Whitaker,
Reynolds,	Whitehead of Burke,
Rice,	Whiteley,
Rozar,	Williams,
Roberts,	Woodey.

There are yeas, 20; nays, 98. So the motion to reconsider did not prevail.

Leave of absence was granted Messrs. Martin, of Calhoun, Harris, of Newton, Bowden, of Campbell; and to Mr. Buchan, until Friday next, on account of important business.

The unfinished business of Saturday was resumed, to-wit: The report of the Committee on Franchise, the third section thereof being first in order.

Mr. Parrott moved to amend said section by striking



out from the ninth and tenth lines thereof the words "as an elector."

Mr. Miller offered the following as a substitute for the whole of said section, to-wit:

The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold office: 1st, Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the Penitentiary, or bribery; 2d, Those who are idiots or insane.

Mr. Bryant proposed to amend said section by striking out from the first line of the same the words "it shall be the duty of," and the word "to" after the word "Assembly," and inserting the word "may" in lieu of the word last proposed to be stricken out, so that it will read "the General Assembly may."

Pending discussion on the foregoing section and amendments, Mr. Whiteley having the floor, the Convention, on motion, adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Tuesday, February 11, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Martin, of Habersham, moved to reconsider so



much thereof as relates to the rejection of his Resolution reducing the *per diem* of members after the 20th inst.

The motion to reconsider did not prevail.

Mr. Turner moved a suspension of the Rule for the introduction of the following Resolution, to-wit:

*Resolved*, That the Secretary of this Convention be authorized to have the able and eloquent speech of the Hon. Mr. Akerman, delivered in the Hall of the Georgia Constitution Convention on the subject of suffrage, published in the official organs of this Convention, and that ten copies be furnished each member for their constituents.

The motion to suspend the Rule prevailed.

The Resolution was taken up, and on motion of Mr. Murphy, amended by striking out "ten" and inserting "twenty-five."

On motion of Mr. Trammell the same was further amended by including the speech of Mr. Waddell, delivered on the same subject.

On motion of Mr. Conley the Resolution, as amended, was laid on the table.

The special order of the day was taken up, to-wit: the majority and minority reports of the committee appointed to inquire into certain charges against Mr. Bradley, and his defense against such charges, a motion by Mr. Blount pending for the adoption of the minority report as a substitute for that of the majority.

Mr. Akerman moved that the subject-matter be re-committed to the Special Committee, with instruction to report on or before next Friday.



Mr. Turner moved the indefinite postponement of the whole subject, but afterwards withdrew said motion.

On motion of Mr. Bryant, it was determined that debate on the matter pending immediately cease.

The question recurring on the motion of Mr. Akerman, the yeas and nays were required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,	Dunnegan,
Akerman,	Ellington,
Alexander,	Gilbert,
Bedford,	Golden,
Beaird,	Harrison of Hancock,
Baldwin,	Higbee,
Bell of Oglethorpe,	Hopkins,
Bowers,	Jackson,
Bryant,	Joiner,
Brown,	Jones,
Bracewell,	Knox,
Bullock,	Linder,
Campbell,	Madden,
Carson,	Maull,
Casey,	Minor,
Clift,	Moore of Columbia,
Chatters,	Murphy,
Claiborne,	Noble,
Chambers,	Palmer,
Cooper,	Pope,
Cobb of Houston,	Prince,
Cobb of Madison,	Reynolds,
Costin,	Rozar,
Crawford,	Robertson,
Crayton,	Sikes,
Davis,	Seeley,
Dinkins,	Sherman,
Dunning,	Stewart,



Supple,	Whitaker,
Stone,	Whitehead of Burke,
Wallace,	Whiteley,
Welch,	Wooten.

Those who voted in the negative, are Messrs.

Bell of Banks,	King,
Bowden of Monroe,	Lee,
Bryson,	Lott,
Burnett,	Maddox,
Cameron,	Mathews,
Christian of Early,	Martin of Carroll,
Cole,	Martin of Calhoun,
Crane,	Martin of Habersham,
Crumley,	Miller,
Dews,	Moore of White,
Edwards,	Potts,
Flynn,	Saffold,
Fort,	Saulter,
Foster of Paulding,	Shields,
Gove,	Smith of Charlton,
Griffin,	Smith of Coweta,
Harland,	Smith of Thomas,
Higden,	Speer,
Houston,	Shumate,
Holcombe,	Stanford,
Hooks,	Stanley,
Howe,	Trammell,
Hudson,	Trawick,
Hutcheson,	Turner,
Jordan,	Waddell,
Key,	Woodey.

There are years, 64; days, 52. So the motion to re-commit prevailed.

On motion of Mr. Trammell Mr. Akerman was added to said Committee.



Leave of absence was granted Messrs. Harris of Chatham, Dews and Yeates.

Mr. Higbee, from the Committee on Enrollment, made the following report:

*Mr. President:*

The Committee on Enrollment beg leave to report that the following Resolutions and Ordinances have been regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to provide for the payment of Pages, and for other purposes.

A Resolution to close the debate on the question of relief.

A Resolution to adjourn in honor of the Hon. C. C. Richardson, deceased.

A Resolution appointing a Committee to prepare a memorial commemorative of the Hon C. C. Richardson, deceased.

A Resolution relative to absent delegates.

A Resolution requesting Major-General Meade to enforce an Ordinance of this Convention entitled "An Ordinance to provide the means of defraying the expenses of this Convention," etc.

An Ordinance to provide the means of defraying the expenses of this Convention, and the compensation of officers and members.

W. A. FORT,  
Chairman Committee on Enrollment.

The Convention, on motion, adjourned until 9½ o'clock, a. m., tomorrow.



ATLANTA, GA., Wednesday, February 12, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Trawick.

The Journal was read.

Mr. Bradley moved the reconsideration of so much thereof as relates to the action of the Convention in re-committing to the Special Committee the majority and minority reports of said Committee in relation to certain charges against him.

Mr. Bradley, while speaking in support of his motion, made use of certain words, to which Mr. Trammell, rising to a question of privilege, objected, as *base calumny*.

Mr. Conley, by request of the President, took the chair.

Mr. Cotting offered the following:

*Resolved*, That Aaron A. Bradley, for gross insults offered to this Convention and members thereof, be forthwith expelled from his seat in this body.

It was required by a number of members that the offensive words be taken down before action on said Resolution, which was accordingly directed to be done by the President *pro tem*.

They are as follows, to-wit:

I (Bradley) have a letter, which I could not find this morning, involving the delegate from Gordon and the President of the Convention, and their families, in a like offense. I do not wonder at the gentleman being nettled, but he should not murder me. I am not the man.



Mr. Bradley denied having used a portion of the foregoing language, and admitted that he uttered a portion, and having concluded his defense withdrew, under the Rules, from the Hall of the Convention.

The Chair submitted to the Convention the question of the correctness of the words taken down, which were unanimously decided correct.

Upon the question of adopting the Resolution of Mr. Cotting, the yeas and nays were recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Clift,
Akerman,	Christian of Newton,
Alexander,	Chatters,
Anderson,	Claiborne,
Ashburn,	Chambers,
Bedford,	Cooper,
Beaird,	Cobb of Houston,
Bell of Oglethorpe,	Cobb of Madison,
Bell of Banks,	Costin,
Bowden of Campbell,	Cole,
Bowden of Monroe,	Conley,
Bowers,	Crane,
Blount,	Crawford,
Bryant,	Crayton,
Brown,	Crumley,
Bracewell,	Cotting,
Bryson,	Davis,
Bullock,	Dinkins,
Burnett,	Dunning,
Campbell,	Dunnegan,
Carson,	Edwards,
Cameron,	Ellington,
Catching,	Flynn,
Casey,	Fort,
Caldwell,	Foster of Paulding,



Gibson,	Minor,
Gilbert,	Miller,
Goodwin,	McWhorter,
Gove,	Moore of White,
Golden,	Moore of Columbia,
Griffin,	Murphy,
Guilford,	Noble,
Harland,	Palmer,
Harris of Newton,	Pope,
Harrison of Hancock,	Potts,
Higbee,	Prince,
Higden,	Rice,
Hotchkiss,	Rozar,
Houston,	Roberts,
Holcombe,	Robertson,
Hopkins,	Saffold,
Hooks,	Saulter,
Howe,	Sikes,
Hudson,	Shields,
Hutcheson,	Sherman,
Joiner,	Smith of Charlton,
Jones,	Smith of Coweta,
Jordan,	Smith of Thomas,
Key,	Speer,
King,	Shumate,
Knox,	Stewart,
Lee,	Stanford,
Linder,	Supple,
Lott,	Stone,
Lumpkin,	Strickland,
Madden,	Trawick,
Maddox,	Turner,
Mauil,	Walton,
Matthews,	Wallace,
Martin of Carroll,	Waddell,
Martin of Calhoun,	Welch,
Martin of Habersham,	Whitaker,
McHan,	Whitehead of Burke,



Whiteley,  
Williams,

Woodey,  
Wooten.

There are yeas, 130; nays, 0. So the Resolution was unanimously adopted.

The President *pro tem.* directed the Sergeant-at-Arms to inquire and report immediately whether A. A. Bradley, the expelled delegate, was present in the Hall.

The duty was performed by that officer, who reported negatively.

Upon motion of Mr. Blount the President *pro tem.* directed the Sergeant-at-Arms to bring the said A. A. Bradley, if to be found, before the bar of the Convention, in order to his formal and public expulsion under the adopted Resolution.

Mr. Bullock offered the following Resolution, which was taken up, to-wit:

*Resolved*, That in the outrageous insinuations and charges made by the delegate from Chatham, A. A. Bradley, who has been expelled from this Convention, we recognize only the senseless mouthings of an irresponsible person, and it is the unanimous opinion of this body that nothing in the falsehoods which the delegate has uttered can be regarded as detracting from the high social position and standing of the gentlemen and their families who were thus assailed.

On motion of Mr. Akerman, the word "senseless" was stricken out, and the word "malicious" inserted in lieu thereof.

The Resolution, as amended, was unanimously adopted.



On motion of Mr. Bullock the following communication from the Hon. Henry P. Farrow, to the Hon. L. N. Trammell, and the anonymous letter to which it refers, were ordered to be spread upon the Journal, to-wit:

HALL GEORGIA CONSTITUTIONAL CONVENTION.

ATLANTA, GA., February 12, 1868.

HON. L. N. TRAMMELL:

DEAR SIR: I herewith enclose you the letter alluded to this morning by the expelled member, Bradley. It has no date as to time or place, nor has it any signature. It makes no allusion to you, and only alludes to the President of the Convention as a person from whom he, Bradley, could perhaps gain information concerning the libel therein contained. The said Bradley was exhibiting it around, and upon exhibiting it to me, I informed him that I once lived in the same county with the President, *and that it in no way made any insinuations as to him.* Believing I recognized the handwriting and believing I knew who the writer was maliciously endeavoring to injure, I immediately procured possession of the document, with a view to its suppression. About two weeks after I thus suppressed the mischievius letter, the said Bradley called on me for it—last Monday—but I refused to let him have it, as I knew he wished to produce mischief. From the time it came into my possession, until after the allusion to it here this morning, it remained in my law office, and no one saw it. You are at liberty to make such use of this letter and the enclosed as you may think proper.

Very respectfully, etc.,

HENRY P. FARROW.



Anonymous letter referred to by A. A. Bradley :

A. A. BRADLEY, ESQ.

SIR: Some men are trying to expel you from the Convention. They have no right to do it. If you are guilty as charged, you are better than others, who have not been convicted. There is one delegate in the Convention who, it is reported seduced his wife's sister and got a child by her, and if they try to expel you bring this up, call on them to expel all who have seduced negro and white women too. Ask your President, J. R. Parrott, if he does not know a delegate who has seduced his sister-in-law. I suggest that you introduce a Resolution to inquire into and report on all delegates who have been guilty of seduction, of either black or white women. I refer you to A. M. Franklin, W. H. Pritchett, J. A. Howard, and J. J. Jones, all of Cartersville, Ga., as witnesses.

The Sergeant-at-Arms reported that the city had been searched, and that A. A. Bradley was not to be found.

On motion of Mr. Bryant, the report of the Committee on Franchise was taken up, it being the unfinished business of Monday last. The third section thereof, with the proposed amendment of Mr. Parrott, substitute of Mr. Miller, and amendment of Mr. Bryant, previously placed on the Journal, was first in order.

After discussion, Mr. Miller moved that the debate cease on the pending subject-matter.

The motion prevailed.

Upon the question of adopting the substitute of Mr. Miller, the yeas and nays were required to be recorded.



Those who voted in the affirmative, are Messrs.

Akerman,	Fort.
Alexander,	Foster of Paulding,
Anderson,	Gibson,
Angier,	Gilbert,
Ashburn,	Goodwin,
Beaird,	Gove,
Bell of Oglethorpe,	Golden,
Bell of Banks,	Griffin,
Bowden of Campbell,	Guilford,
Bowden of Monroe,	Harland,
Bowers,	Harris of Newton,
Blount,	Harrison of Hancock,
Brown,	Higden,
Bracewell,	Hotchkiss,
Bryson,	Houston,
Burnett,	Holcombe,
Campbell,	Hopkins,
Carson,	Hooks,
Cameron,	Howe,
Casey,	Hudson,
Caldwell,	Hutcheson,
Christian of Newton,	Jackson,
Chatters,	Jones,
Claiborne,	Jordan,
Chambers,	Key,
Cooper,	King,
Cobb of Madison,	Knox,
Crane,	Lee,
Crawford,	Linder,
Crayton,	Lott,
Crumley,	Lumpkin,
Cotting,	Maddox,
Davis,	Maull,
Dinkins,	Mathews,
Dunning,	Martin of Carroll,
Edwards,	Martin of Calhoun,
Ellington,	Martin of Habersham,
Flynn,	McHan,



Minor,	Smith of Thomas,
Miller,	Speer,
Moore of White,	Shumate,
Moore of Columbia,	Stewart,
Murphy,	Stanford,
Noble,	Stanley,
Palmer,	Stone,
Pope,	Strickland,
Potts,	Trammell,
Prince,	Trawick,
Reynolds,	Turner,
Rice,	Walton,
Rozar,	Wallace,
Roberts,	Welch,
Robertson,	Whitaker,
Saffold,	Whitehead of Burke,
Saulter,	Whiteley,
Shields,	Williams,
Smith of Charlton,	Woodey,
Smith of Coweta,	Wooten.

Those who voted in the negative, are Messrs.

Adkins,	Dunnegan,
Bedford,	Higbee,
Bryant,	Joiner,
Bullock,	Madden,
Catching,	Sikes,
Clift,	Seeley,
Cobb of Houston,	Sherman.
Costin,	

There are yeas, 116; nays, 15. So the same was adopted, and is as follows:

Sec. 3. The General Assembly may provide, from time to time, for the registration of all electors, but the following class of persons shall not be permitted to register, vote, or hold office: 1st, Those who shall have been



convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the Penitentiary, or bribery; 2d, Those who are idiots or insane.

Mr. Bryant proposed to offer an amendment to the substitute as adopted.

The President *pro tem.* decided it out of order to amend the substitute, as it had, by its adoption, become a part of the report.

From this decision Mr. Bryant appealed.

The decision of the Chair was sustained by the Convention.

The Rule was suspended, on motion of Mr. Akerman, when he offered the following Resolution, which was taken up and adopted, to-wit:

*Resolved*, That the Committee to whom were referred certain charges against A. A. Bradley, late delegate from Chatham, be discharged from the further consideration of the subject.

Mr. Hopkins moved the appointment of a Committee of three to draft and report a Resolution approving and sustaining the action of General Meade in removing from office Hon. Charles J. Jenkins.

The motion of Mr. Hopkins was superseded by a motion of Mr. Cotting to suspend the Rule for the introduction of a Resolution on the same subject.

Pending discussion on the proposition to suspend the Rule, the hour of adjournment arrived, and the President *pro tem.* declared the Convention adjourned until 9½ o'clock a. m., tomorrow.



ATLANTA, GA., Thursday, February 13, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The motion of Mr. Cotting to suspend the Rule for the introduction of the following Resolution, which was pending at the last adjournment, was taken up, to-wit:

WHEREAS, Some unauthorized person has undertaken to institute proceedings in the Supreme Court of the United States, in the name of the State of Georgia *versus* Generals Grant, Meade, and others. Therefore,

*Resolved, by this Convention, representing the people and sovereignty of Georgia, That no person has been empowered by any statute of this State, or by any Ordinance of this Convention, to commence or prosecute any such suit, and that the people of Georgia, as plaintiffs, will not litigate said suit, and demand that it be dismissed from said Court.*

*Resolved, That, as it may be necessary that an attorney should be employed to represent the State of Georgia in said suit, the Hon. B. H. Bigham, of Troup county, be authorized and empowered to represent the State in the above mentioned case before the Supreme Court, and procure the dismissal of the same.*

The previous question was called and seconded.

The main question, to-wit: the motion to suspend the Rule, was put, and did not prevail.

Leave of absence was granted Messrs. Shields and Roberts.



On motion of Mr. Bryant, the report of the Committee on Franchise was resumed as the unfinished business of yesterday, the fourth section thereof being first in order.

Mr. Whiteley moved that the whole of it be stricken out.

Mr. Dunning proposed to amend said section by striking out all of the first line preceding the word "I," and inserting in lieu of the words to be stricken out the following:

All electors, if required to register, must take and subscribe the following oath.

Strike out from the third and fourth lines the following:

That I am not excluded from registering by any of the clauses of section three, Article —, of the Constitution of Georgia.

Also, by inserting the word "and" before the word "that," in the fourth line, so that the section would read:

All electors, if required to register, must take and subscribe the following oath: "I —————, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of Georgia, and that I will never countenance nor aid in the secession of this State from the United States. So help me God."

Mr. McCay proposed to amend the amendment of Mr. Dunning by striking therefrom the following:

And that I will never countenance nor aid in the secession of this State from the United States.



Mr. Dunning, with the consent of the Convention, withdrew his amendment, and proposed to amend said section by striking from the first line the words "all persons, before registering," and inserting in lieu thereof the words "all electors, if required to register."

Mr. Whiteley called for the previous question, which was seconded.

The main question was put, and the amendment of Mr. Dunning adopted.

The question recurring upon the motion of Mr. Whiteley, to strike out said section, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Davis,
Akerman,	Flynn,
Anderson,	Fort,
Angier,	Foster of Paulding,
Bell of Oglethorpe,	Gove,
Bell of Banks,	Griffin,
Bowden of Campbell,	Harland,
Bowden of Monroe,	Harris of Newton,
Blount,	Harrison of Carroll,
Brown,	Higden,
Bracewell,	Hotchkiss,
Carson,	Houston,
Cameron,	Hopkins,
Caldwell,	Hooks,
Christian of Newton,	Howe,
Claiborne,	Hudson,
Chambers,	Hutcheson,
Cooper,	Jordan,
Cobb of Madison,	Key,
Cole,	King,
Crawford,	Knox,



Lee,	Saffold,
Linder,	Saulter,
Lott,	Seeley,
Lumpkin,	Smith of Charlton,
Maddox,	Smith of Coweta,
Mathews,	Smith of Thomas,
Martin of Carroll,	Speer,
Martin of Calhoun,	Shumate,
Martin of Habersham,	Stanford,
McCay,	Stanley,
Minor,	Trammell,
Miller,	Trawick,
McWhorter,	Turner,
Moore of White,	Whiteley,
Roberts,	Woodey.

Those who voted in the negative, are Messrs.

Alexander,	Dinkins,
Ashburn,	Dunning,
Bedford,	Dunnegan,
Beaird,	Edwards,
Baldwin,	Ellington,
Bowers,	Gilbert,
Blodgett,	Golden,
Bryson,	Guilford,
Bryant,	Harrison of Hancock,
Bullock,	Higbee,
Campbell,	Jackson,
Catching,	Joiner,
Casey,	Jones,
Clift,	Madden,
Chatters,	Maull,
Cobb of Houston,	McHan,
Costin,	Moore of Columbia,
Conley,	Murphy,
Crane,	Neal,
Crayton,	Noble,
Cotting,	Palmer,
Daley,	Pope,



Prince,  
Reynolds,  
Rice,  
Rozar,  
Sikes,  
Sherman,  
Stewart,  
Supple,

Stone,  
Strickland,  
Walton,  
Wallace,  
Welch,  
Whitaker,  
Whitehead of Burke,  
Williams.

There are yeas, 72; nays, 60. So the motion to strike out the fourth section prevailed.

Section five being next in order, Mr. Whiteley moved to amend the same by striking from the second line thereof the words "and civil process."

Mr. McCay proposed to amend said section by striking out all after the word process, in the second line, and adding in lieu thereof the words "whilst going to, remaining at, and returning from elections."

The previous question was called and seconded.

The main question was put and the amendment of Mr. McCay lost.

The question recurred on the amendment of Mr. Whiteley, and the yeas and nays were demanded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,  
Akerman,  
Bell of Banks,  
Bowden of Campbell,  
Bowden of Monroe,  
Bowers,  
Blount,  
Brown,  
Bracewell,  
Bryson,

Carson,  
Cameron,  
Christian of Newton,  
Cooper,  
Cobb of Madison,  
Cole,  
Crane,  
Crawford,  
Cotting,  
Davis,



Dunnegan,	Martin of Carroll,
Ellington,	Martin of Calhoun,
Fort,	Martin of Habersham,
Foster of Paulding,	McCay,
Gilbert,	McHan,
Gove,	Miller,
Griffin,	Moore of White,
Harland,	Neal,
Harris of Newton,	Rice,
Harrison of Carroll,	Roberts,
Higden,	Saffold,
Hotchkiss,	Saulter,
Houston,	Smith of Charlton,
Holcombe,	Smith of Coweta,
Hooks,	Smith of Thomas,
Howe,	Speer,
Hudson,	Shumate,
Hutcheson,	Stanford,
Jordan,	Stanley,
Key,	Trammell,
King,	Trawick,
Knox,	Waddell,
Lee,	Welch,
Lott,	Whiteley,
Maddox,	Woodey.
Mathews,	

Those who voted in the negative, are Messrs.

Alexander,	Campbell,
Anderson,	Catching,
Angier,	Casey,
Ashburn,	Caldwell,
Bedford,	Clift,
Beaird,	Chatters,
Baldwin,	Claiborne,
Bell of Oglethorpe,	Chambers,
Blodgett,	Cobb of Houston,
Bryant,	Costin,
Bullock,	Conley,



Crayton,	Murphy,
Daley,	Noble,
Dinkins,	Palmer,
Dunning,	Pope,
Edwards,	Prince,
Golden,	Reynolds,
Guilford,	Rozar,
Harrison of Hancock,	Sikes,
Higbee,	Seeley,
Hopkins,	Sherman,
Jackson,	Supple,
Joiner,	Stone,
Jones,	Strickland,
Linder,	Turner,
Lumpkin,	Walton,
Madden,	Wallace,
Maul,	Whitaker,
Minor,	Whitehead of Burke,
Moore of Columbia,	Williams.

There are yeas, 71; nays, 60. So the amendment of Mr. Whiteley was received.

The fifth section, as amended, was adopted, and is as follows:

Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest for five days before the first day of election, on the day of election, and two days subsequent to the last day of election.

Mr. Murphy offered the following as a substitute for the sixth section:

The sale of intoxicating liquors, on days of election, in this State, is hereby forever prohibited.

Mr. Conley proposed to amend the said section by striking out at the end thereof the words "at elections," so that it would read:



It shall be the duty of the General Assembly to enact adequate laws, giving protection against the evils arising from the use of intoxicating liquors.

The motion of Mr. Conley did not prevail.

The question then recurred upon substitute offered by Mr. Murphy.

The same was adopted.

Mr. McCay moved to strike out the whole of the seventh section.

This motion was lost.

Mr. Bryant moved the adoption of said section, and called for the previous question thereon, which was sustained.

The main question was put and the seventh section adopted without amendment.

Mr. Cotting moved to strike out the eighth section.

The motion was lost.

Mr. Bryant moved the adoption of said section, and called for the previous question on his motion, which was sustained.

The main question being put, the eighth section was adopted without amendment.

Mr. Blount moved to amend the ninth section by striking out the word "November" and inserting in lieu thereof the word "October."

Mr. Bryant proposed to amend said section as follows:

After the word "Governor," in the first line, insert



“Members of Congress;” in the same line, after the word “Representatives,” insert the words “after the year 1868;” and after the word “shall” strike out the word “be,” and insert the word “commence.”

The amendment of Mr. Bryant was received, and the section, as amended, was adopted, and reads as follows, to-wit:

Sec. 9. The election of Governor, Members of Congress, Senators and Representatives, after the year 1868, shall commence on the Tuesday after the first Monday in November, unless otherwise provided by the General Assembly.

The following was offered by Mr. Martin, of Habersham, as a substitute for the tenth section:

No person who is a disqualified elector, or who is disfranchised by the Constitution of Georgia, shall be eligible to any office in this State.

The same was not adopted.

Mr. Crane proposed to amend said section by inserting after the word “electors,” in the first line thereof, the words “who have been citizens of the United States for seven years.”

Upon the question of receiving this amendment the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Angier,  
Bell of Banks,  
Bowden of Monroe,  
Blount,  
Brown,

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Bryson,  
Cameron,  
Cooper,  
Crane,  
Ellington,



Fort,	Hutcheson,
Foster of Paulding,	Key,
Gove,	King,
Griffin,	Lott,
Harland,	Martin of Carroll,
Harrison of Carroll,	Martin of Calhoun,
Higden,	Martin of Habersham,
Houston,	Miller,
Holcombe,	Moore of White,
Hooks,	Trammell,
Howe,	Woodey.
Hudson,	

Those who voted in the negative, are Messrs.

Adkins,	Cobb of Madison,
Akerman,,	Costin,
Alexander,	Cole,
Anderson,	Conley,
Ashburn,	Crawford,
Bedford,	Crayton,
Beaird,	Cotting,
Baldwin,	Davis,
Bell of Oglethorpe,	Dinkins,
Bowden of Campbell,	Dunning,
Bowers,	Dunnegan,
Blodgett,	Gilbert,
Bryant,	Golden,
Bracewell,	Guilford,
Bullock,	Harris of Newton,
Campbell,	Harrison of Hancock,
Carson,	Higbee,
Catching,	Hotchkiss,
Casey,	Hopkins,
Caldwell,	Jackson,
Clift,	Joiner,
Chatters,	Jones,
Claiborne,	Jordan,
Chambers,	Knox,
Cobb of Houston,	Lee,



Linder,	Seeley,
Lumpkin,	Sherman,
Maddox,	Smith of Coweta,
Maul,	Smith of Thomas,
Mathews,	Shumate,
McCay,	Stewart,
Minor,	Stanford,
McWhorter,	Stanley,
Moore of Columbia,	Stone,
Murphy,	Strickland,
Noble,	Trawick,
Palmer,	Turner,
Pope,	Walton,
Prince,	Wallace,
Reynolds,	Welch,
Rice,	Whitaker,
Rozar,	Whitehead of Burke,
Saffold,	Whiteley,
Saulter,	Williams.
Sikes,	

There are yeas, 33; nays, 89. So the amendment of Mr. Crane was lost.

Mr. Harris of Newton, moved to strike out the whole of said tenth section.

Mr. McCay offered to amend the same by inserting after the word "electors," in the first line thereof, the following:

Citizens of the United States, who can read and subscribe the oath of office, except disqualified by physical inability.

Mr. Miller required a division of the question, so as first to take the vote on the insertion of the words "citizens of the United States."

Pending discussion on said section, and the amend-



ments proposed thereto, the Convention, on motion of Mr. Whiteley, adjourned until 9½ o'clock a. m., tomorrow.

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ATLANTA, GA., Friday, February 14, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Martin, of Habersham, moved a suspension of the Rule for the introduction of the following Ordinance, to-wit:

*Be it Ordained by the people of Georgia in Convention assembled,* That the bill recently filed by Ex-Governor C. J. Jenkins, in the United States Supreme Court, against Generals Grant, Meade, and other officers of the United States, does not receive the approval of this Convention, but, on the contrary, its unqualified condemnation.

The motion to suspend the Rule did not prevail.

The consideration of the unfinished business of yesterday was resumed, to-wit: the report of the Committee on Franchise, the tenth section thereof being first in order, with the proposed amendments of Mr. Harris, of Newton, and Mr. McCay.

Mr. McCay, by consent, withdrew his amendment, and called for the previous question, which was sustained, on the motion of Mr. Harris, of Newton, to strike out the whole of said section.



On this proposition the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Cotting,
Alexander,	Davis,
Anderson,	Daley,
Angier,	Dinkins,
Ashburn,	Edwards,
Bedford,	Ellington,
Bentley,	Flynn,
Baldwin,	Fort,
Bell of Oglethorpe,	Foster of Paulding,
Bell of Banks,	Gilbert,
Bowden of Campbell,	Goodwin,
Bowden of Monroe,	Gove,
Blodgett,	Golden,
Blount,	Griffin,
Brown,	Guilford,
Bracewell,	Harland,
Bryson,	Harris of Newton,
Bullock,	Harrison of Carroll,
Campbell,	Harrison of Hancock,
Carson,	Higden,
Cameron,	Hotchkiss,
Catching,	Houston,
Casey,	Holcombe,
Caldwell,	Hopkins,
Clift,	Hooks,
Christian of Newton,	Howe,
Chatters,	Hudson,
Claiborne,	Hutcheson,
Chambers,	Jackson,
Cooper,	Joiner,
Cobb of Madison,	Jones,
Conley,	Jordan,
Crane,	Key,
Crawford,	King,
Crayton,	Knox,
Crumley,	Lee,



Linder,	Saulter,
Lott,	Sikes,
Lumpkin,	Shields,
Madden,	Seeley,
Maddox,	Sherman,
Maull,	Smith of Charlton,
Mathews,	Smith of Coweta,
Martin of Carroll,	Smith of Thomas,
Martin of Calhoun,	Speer,
Martin of Habersham,	Shumate,
McHan,	Stewart,
McKay,	Stanford,
Minor,	Supple,
Miller,	Stone,
Moore of White,	Strickland,
Moore of Columbia,	Trammell,
Murphy,	Trawick,
Neal,	Turner,
Noble,	Walton,
Palmer,	Wallace,
Pope,	Welch,
Prince,	Whitaker,
Reynolds,	Whitehead of Burke,
Rice,	Whitehead of Butts,
Rozar,	Whiteley,
Roberts,	Williams,
Robertson,	Woodey.

Those who voted in the negative, are Messrs.

Akerman,	Cole,
Beaird,	Dunning,
Bowers,	Dunnegan,
Bryant,	Higbee,
Cobb of Houston,	Saffold,
Costin,	Stanley.

There are yeas, 126; nays, 12. So the tenth section was stricken out, and the report of the Committee was



adopted by sections, as amended, and reads as follows, to-wit:

Sec. 1. In all the Elections by the People the Electors shall vote by ballot.

Sec. 2. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upward, who shall have resided in this State six months next preceding the election, and shall have resided thirty days in the County in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opportunity of paying, agreeably to law, for the year next preceding the election, except as herein-after provided, shall be deemed an elector; and every male inhabitant, citizen of the United States, of the age aforesaid, except as herein provided, who may be a resident of the State at the time of the adoption of this Constitution, shall be deemed an elector, and shall have all the rights of electors as aforesaid: *Provided*, That no soldier, or sailor, or marine, in the military or naval service of the United States, shall hereinafter acquire a residence by reason of being stationed on duty in this State. No person, who shall, if challenged, refuse to take the following oath:

“I do swear that I have not given or received, nor do I expect to give or receive, any money, treat, or other thing of value, by which my vote, or any vote, is affected, or expected to be affected, at this election; nor have I given or promised any reward, or made any threat, by which to prevent any person from voting at this election.”

Sec. 3. The General Assembly may provide, from



time to time, for the registration of all electors, but the following class of persons shall not be permitted to register or vote, or to hold office: First, Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery. Second, Those who are idiots or insane.

Sec. 4 was stricken out.

Sec. 5. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest for five days before the first day of election, on the day of election, and two days subsequent to the day of election.

Sec. 6. The sale of intoxicating liquors, on days of election, in this State, is hereby forever prohibited.

Sec. 7. Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the Members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by the General Assembly.

Sec. 8. It shall be the duty of the General Assembly to enact adequate laws giving protection to electors before, during and subsequent to elections.

Sec. 9. The election of Governor, Members of Congress, Senators and Representatives, after the year 1868, shall commence on the Tuesday after the first Monday in November, unless otherwise provided by the General Assembly.

On motion of Mr. Whiteley, the report, as adopted, was referred to the Committee on Revision.

On motion of Mr. Bullock, the Rule was suspended,



and the following Resolution, offered by Mr. Cotting, taken up, to-wit:

WHEREAS, Some unauthorized person has undertaken to institute proceedings in the Supreme Court of the United States, in the name of the State of Georgia *versus* Generals Grant, Meade, and others. Therefore,

*Resolved, by this Convention, representing the people and sovereignty of Georgia,* That no person has been empowered by any statute of this State, or by any Ordinance of this Convention, to commence or prosecute any such suit, and that the people of Georgia, as plaintiffs, will not litigate said suit, and demand that it be dismissed from said Court.

The same was amended, on motion of Mr. McCay, by striking out the words "by any statute of this State, or by any Ordinance of this Convention," and inserting in lieu thereof the words "by the State of Georgia."

On motion of Mr. Bedford, the same was further amended by adding the following:

*And be it further Resolved,* That a copy of this Resolution be forwarded by the President to the Military Governor of this State, with the request that he have the seal of the State affixed thereto, and then forwarded to the Secretary of War.

Upon the question of adopting the Resolution, as amended, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,  
Akerman,  
Alexander,  
Anderson,

Ashburn,  
Bedford,  
Bentley,  
Beaird,



Baldwin,	Golden,
Bell of Oglethorpe,	Guilford,
Bowden of Campbell,	Harris of Newton,
Bowers,	Harrison of Hancock,
Blodgett,	Higbee,
Blount,	Higden,
Bryant,	Hotchkiss,
Brown,	Hopkins,
Bracewell,	Hutcheson,
Bryson,	Jackson,
Bullock,	Joiner,
Campbell,	Jones,
Carson,	Knox,
Catching,	Lee,
Casey,	Linder,
Caldwell,	Lott,
Clift,	Lumpkin,
Chatters,	Madden,
Claiborne,	Maddox,
Chambers,	Maul,
Cobb of Houston,	Mathews,
Cobb of Madison,	Martin of Habersham,
Costin,	McHan,
Conley,	McCay,
Crane,	McWhorter,
Crawford,	Moore of White,
Crayton,	Moore of Columbia,
Crumley,	Murphy,
Cotting,	Neal,
Davis,	Noble,
Daley,	Palmer,
Dinkins,	Pope,
Dunning,	Prince,
Dunnegan,	Reynolds,
Edwards,	Rice,
Ellington,	Rozar,
Gilbert,	Robertson,
Goodwin,	Saffold,
Gove,	Saulter,



Sikes,	Turner,
Seeley,	Walton,
Sherman,	Wallace,
Smith of Thomas,	Welch,
Speer,	Whitaker,
Shumate,	Whitehead of Burke,
Stewart,	Whiteley,
Supple,	Williams,
Stone,	Woodey.
Strickland,	

Those who voted in the negative, are Messrs.

Angier,	Hooks,
Bell of Banks,	Howe,
Bowden of Monroe,	Hudson,
Cooper,	Key,
Cole,	King,
Flynn,	Martin of Carroll,
Fort,	Martin of Calhoun,
Foster of Paulding,	Miller,
Griffin,	Stanford,
Harrison of Carroll,	Trammell,
Houston,	Trawick,
Holcombe,	Waddell.

There are yeas, 105; nays, 24. So the Resolution, as amended, was agreed to.

The Rules were suspended, when the following Resolution, which was offered by Mr. Blodgett, was taken up and agreed to, to-wit:

*Resolved*, That a Committee of seven be appointed by the President to prepare and report, for the consideration of this Convention, a substitute for the thirty-second section of the Bill of Rights, in relation to the Homestead.

The President announced the following as the Com-



mittee under said Resolution, to-wit: Messrs. Blodgett, Blount, Hotchkiss, Gove, Crane, Bedford, and Miller.

Leave of absence was granted Messrs. Gibson, Harris of Newton, Brown of Henry, Bowden of Monroe, Turner, and Catching.

Mr. Ashburn moved to take from the table the motion of Mr. Dunning for the reconsideration of the action of the Convention on the subject of relief.

Mr. Bullock rose to a point of order, assuming that, in order to take up the motion, it required a suspension of the Rule.

Mr. Trammell (in the Chair) overruled the point of order, stating that such a suspension was unnecessary when no special order is pending.

From this decision Mr. Bullock appealed, and the decision of the Chair was not sustained.

On the proposition to suspend the Rule less than two-thirds voted in the affirmative, and the motion was therefore lost.

On motion of Mr. Whiteley, the report of the Committee on Legislative Department was taken up by sections and paragraphs.

The first and second paragraphs of the first section were adopted without amendment.

On motion of Mr. Bryant, the third paragraph of the first section was amended by striking out from the fourth line "the first Wednesday in October," and inserting "Tuesday after the first Monday in November." Also, by striking out the word "Legislature," in the sixth line, and inserting the words "General Assembly."



The same was further amended, on motion of Mr. Miller, by striking out the word "be," in the fourth line thereof, and inserting the word "begin."

The third paragraph of the first section was adopted, as amended, and reads as follows, to-wit:

3. The members of the Senate shall be elected for four years, except that the members elected at the first election from the twenty-two Senatorial Districts, numbered in this Constitution with odd numbers, shall only hold their office for two years. The members of the House of Representatives shall be elected for two years. The election for members of the General Assembly shall begin on Tuesday after the first Monday in November of every second year, except the first election, which shall be within — days after the adjournment of this Convention; but the General Assembly may, by law, change the day of election, and the members shall each hold until their successors are elected and qualified.

On motion of Mr. Whiteley, the fourth paragraph of the first section was amended by striking out from the second line the words "first Tuesday in November," and inserting "second Wednesday in January."

On motion of Mr. Conley, the said paragraph was further amended by striking out of the fifth line the words "first above mentioned," and inserting in lieu thereof the words "second under this Constitution."

Mr. Ashburn proposed to amend the same paragraph by striking from the sixth line the word "two-thirds" and inserting in lieu thereof the word "majority."

Upon this motion the yeas and nays were required to be recorded.



Those who voted in the affirmative, are Messrs.

Ashburn,	Joiner,
Bentley,	Linder,
Baldwin,	Madden,
Bell of Oglethorpe,	Maull,
Bryant,	Moore of Columbia,
Bullock,	Murphy,
Campbell,	Noble,
Catching,	Palmer,
Casey,	Pope,
Clift,	Prince,
Chatters,	Reynolds,
Claiborne,	Rozar,
Cobb of Houston,	Sikes,
Costin,	Seeley,
Crayton,	Sherman,
Dinkins,	Stewart,
Edwards,	Stone,
Gilbert,	Turner,
Golden,	Wallace,
Harrison of Hancock,	Whitaker,
Hopkins,	Whitehead of Burke.
Jackson,	

Those who voted in the negative, are Messrs.

Adkins,	Carson,
Alexander,	Cameron,
Anderson,	Christian of Newton.
Angier,	Chambers,
Bedford,	Cooper,
Beaird,	Conley,
Bowden of Monroe,	Crane,
Bowers,	Crawford,
Blodgett,	Cotting,
Blount,	Dunning,
Brown,	Dunnegan,
Bracewell,	Ellington,
Bryson,	Foster of Paulding,



Goodwin,	McCay,
Gove,	McHan,
Griffin,	Minor,
Harris of Newton,	Miller,
Harrison of Carroll,	McWhorter,
Higbee,	Moore of White,
Higden,	Neal,
Hotchkiss,	Rice,
Holcombe,	Robertson,
Hooks,	Saffold,
Howe,	Saulter,
Hudson,	Smith of Charlton,
Hutcheson,	Smith of Coweta,
Jones,	Smith of Thomas,
Jordan,	Speer,
Key,	Shumate,
King,	Stanford,
Knight,	Trammell,
Lee,	Trawick,
Lott,	Walton,
Lumpkin,	Waddell,
Maddox,	Welch,
Mathews,	Whiteley,
Martin of Carroll,	Williams,
Martin of Calhoun,	Woodey.
Martin of Habersham,	

There are yeas, 43; nays, 77. So the amendment of Mr. Ashburn was not received.

Mr. Bryant moved to strike out all after the word "provide" in the fifth line of said fourth paragraph, as amended.

The motion did not prevail.

The fourth paragraph, as amended, was adopted, and reads as follows:

The first meeting of the General Assembly shall be



within — days after the adjournment of this Convention, after which it shall meet annually on the second Wednesday in January, or on such other day as the General Assembly may prescribe. A majority of each House shall constitute a quorum to transact business, but a small number may adjourn from day to day, and compel the presence of its absent members, as each House may provide. No session of the General Assembly, after the second, under this Constitution, shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof.

Mr. Murphy moved to strike out, after the word “except,” in the second line of the fifth paragraph of the first section, “Justices of the Inferior Court.”

The motion was lost.

Mr. Cotting moved to amend said paragraph by striking out from the second line thereof the words “or the United States, or either of them.”

The same did not prevail.

Mr. Bryant moved to amend said paragraph by striking out all after the word “House” in the fourth line of the same.

The motion was lost, and paragraph five, of the first section, was adopted without amendment.

On motion of Mr. Conley, the sixth paragraph was amended by inserting after the word “shall,” in the second line thereof, the words “vote or.”

Mr. Crane moved to further amend said paragraph by striking out the words “unless he shall have been pardoned.”



The same did not prevail.

Paragraph six, of the first section, was adopted, as amended, and is as follows:

No person convicted of any felony or larceny before any Court of this State, or of or in the United States, shall vote or be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

Mr. Welch proposed to amend the seventh paragraph by inserting after the word "moneys," in the first line, the words "and the same having been legally demanded of him."

Mr. Blodgett moved to amend by inserting after the same word, in the same line, the words "who is a defaulter and."

The amendment of Mr. Blodgett was accepted by Mr. Welch.

The same was not received.

The seventh paragraph of the first section was adopted without amendment.

Mr. Bryant moved to amend the eighth paragraph of the first section by adding thereto the words "unless he be obliged to remove from fear of injury to his family, his property, or himself."

Mr. Blodgett moved to amend said paragraph by inserting after the word "his" the word "voluntary."

Mr. Bryant accepted the amendment of Mr. Blodgett as a substitute for his.

The same was lost.



Mr. Whiteley proposed to amend said paragraph by inserting before the word "District" the words "County or."

The same was withdrawn by the mover for the present.

The eighth paragraph was adopted without amendment.

Mr. Conley offered the following Resolution, to-wit:

*Resolved*, That so much of the report of the Committee on the Legislative Department as relates to representation, be recommitted, with instructions to provide that there shall be twenty-eight Senators and one hundred Representatives composing the General Assembly of this State, and to affix suitable Districts for said Senators and Representatives, basing such representation upon population.

Pending action on the foregoing Resolution, the Convention, on motion, adjourned until 9½ o'clock a. m., tomorrow.

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ATLANTA, GA., Saturday, February 15, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Trawick.

The Journal was read.

Mr. Waddell (Mr. Trammell in the Chair) moved a reconsideration of so much thereof as relates to the action of the Convention in striking out the tenth section of the report of the Committee on Franchise, and gave no-



tice that if his motion prevailed he should offer the following as a substitute for said section, to-wit:

White men, only, shall be eligible to any office of trust, honor, or profit, or employment, whether municipal, judicial, or political, in this State, and white men, only, shall serve as jurors in the courts.

Mr. Whiteley called for the previous question, which was sustained.

The main question was put, and Mr. Bullock required the yeas and nays to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Bell of Banks,	Houston,
Cameron,	Holcombe,
Cooper,	Howe,
Cobb of Madison,	King,
Crane,	Knox,
Flynn,	Martin of Calhoun,
Foster of Paulding,	Stanford,
Griffin,	Trammell,
Harland,	Waddell.
Harrison of Carroll,	

Those who voted in the negative, are Messrs.

Adkins,	Blount,
Alexander,	Bryant,
Anderson,	Bracewell,
Ashburn,	Bryson,
Bedford,	Bullock,
Bentley,	Campbell,
Beaird,	Carson,
Baldwin,	Casey,
Bell of Oglethorpe,	Clift,
Bowers,	Christian of Newton,
Blodgett,	Chatters,



Claiborne,	Mathews,
Chambers,	Martin of Carroll,
Cobb of Houston,	Martin of Habersham,
Costin,	McHan,
Conley,	McCay,
Crawford,	Minor,
Crayton,	Miller,
Crumley,	Moore of White,
Cotting,	Moore of Columbia,
Daley,	Murphy,
Dinkins,	Neal,
Dunning,	Noble,
Dunnegan,	Palmer,
Edwards,	Pope,
Ellington,	Prince,
Fort,	Reynolds,
Gilbert,	Rice,
Goodwin,	Rozar,
Gove,	Saulter,
Golden,	Sikes,
Guilford,	Seeley,
Harrison of Hancock,	Sherman,
Higbee,	Smith of Charlton,
Higden,	Smith of Coweta,
Hotchkiss,	Smith of Thomas,
Hopkins,	Speer,
Hudson,	Shumate,
Hutcheson,	Stewart,
Jackson,	Supple,
Joiner,	Stone,
Jones,	Strickland,
Jordan,	Trawick,
Key,	Turner,
Lee,	Walton,
Linder,	Wallace,
Lumpkin,	Welch,
Madden,	Whitaker,
Maddox,	Whitehead of Burke,
Maull,	Whitehead of Butts,



Whiteley,  
Williams,

Woodey.

There are yeas, 19; nays, 103. So the motion to reconsider the tenth section of the report on Franchise did not prevail.

Mr. Edwards moved to reconsider so much of the Journal as relates to the action of the Convention in regard to the fifth paragraph of the first section of the report of the Committee on Legislative Department.

On this motion Mr. Miller called for the previous question, which was sustained.

The main question was put, and Mr. Blount required the yeas and nays to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,	Crane,
Alexander,	Crayton,
Anderson,	Cotting,
Ashburn,	Dinkins,
Bentley,	Edwards,
Beaird,	Golden,
Baldwin,	Guilford,
Bell of Oglethorpe,	Harrison of Hancock,
Blodgett,	Higbee,
Bryant,	Hopkins,
Bullock,	Jackson,
Campbell,	Joiner,
Casey,	Jones,
Clift,	Linder,
Chatters,	Lumpkin,
Claiborne,	Madden,
Chambers,	Maddox,
Cobb of Houston,	Maull,
Costin,	Minor,
Conley,	Moore of Columbia,



Murphy,	Stewart,
Neal,	Supple,
Noble,	Stone,
Palmer,	Strickland,
Pope,	Turner,
Prince,	Wallace,
Reynolds,	Welch,
Rozar,	Whitaker,
Sikes,	Whitehead of Burke,
Seeley,	Whitehead of Butts,
Sherman,	Williams.

Those who voted in the negative, are Messrs.

Angier,	Harland,
Bedford,	Harrison of Carroll,
Bell of Banks,	Higden,
Bowden of Campbell,	Hotchkiss,
Bowers,	Houston,
Blount,	Holcombe,
Bracewell,	Hooks,
Bryson,	Howe,
Carson,	Hudson,
Cameron,	Hutcheson,
Christian of Newton,	Jordan,
Cooper,	Key,
Cobb of Madison,	King,
Crawford,	Knox,
Crumley,	Lee,
Daley,	Lott,
Dunning,	Mathews,
Dunnegan,	Martin of Carroll,
Ellington,	Martin of Calhoun,
Flynn,	Martin of Habersham,
Fort,	McHan,
Foster of Paulding,	McCay,
Gilbert,	Miller,
Goodwin,	Moore of White,
Gove,	Saulter,
Griffin,	Smith of Charlton,



Smith of Coweta,	Trammell,
Smith of Thomas,	Trawick,
Speer,	Waddell,
Shumate,	Whiteley,
Stanford,	Woodey.

There are yeas, 62; nays, 62. The President gave the casting vote in the negative, and the motion to reconsider did not prevail.

Mr. Conley moved the reconsideration of so much of the Journal of yesterday as relates to the action of the Convention on the sixth paragraph of the first section of the report of the Committee on Legislative Department.

The previous question was called and sustained.

The main question was put, and the motion to reconsider prevailed.

Said paragraph, on motion of Mr. Conley, was taken up, amended by striking out the words "vote or" after the word "shall" in the second line thereof, and adopted as amended.

The unfinished business of yesterday was resumed, to-wit: the report of the Committee on Legislative Department—the second section thereof being first in order. A Resolution offered by Mr. Conley at the last adjournment pending.

Mr. Ashburn offered the following Resolution:

*Resolved*, That the second and third sections, as reported by the Committee on the Legislative Department, be referred to a special committee, appointed by the President, selecting one from each Congressional District, with instructions to report on the 19th inst.



Upon the adoption of the foregoing, Mr. Ashburn called for the previous question.

Mr. Parrott rose to a point of order, assuming that it was not in order for a member to make two motions at the same time.

The point of order was sustained by the President *pro tem*.

Mr. Ashburn appealed from the decision, but afterward withdrew his call for the previous question.

After discussion, the call for the previous question was renewed by Mr. Whiteley, and sustained.

The main question was put, and the Resolution was adopted.

On motion of Mr. Conley, the Resolution offered by him on yesterday, pending at the time of adjournment, was referred to the Special Committee, to be appointed under the foregoing Resolution of Mr. Ashburn.

Messrs. Whiteley, Seeley, Edwards, Whitehead of Butts, Hotchkiss, Shropshire, and Blodgett, were announced as said Committee.

Upon motion of Mr. Ashburn the Rule was suspended and the subject of Finance taken up.

Mr. Hotchkiss, after a report from Mr. Angier, Disbursing Agent, offered the following Resolution, to-wit:

*Resolved*, That the Committee on Finance be authorized to negotiate a loan to defray the expenses of this Convention.

Mr. Saffold moved to amend by providing that the Committee shall not pay more than the legal interest.



Mr. Angier proposed to amend the proviso of Mr. Saffold by providing that said Committee shall not pay more than one per cent. per month.

The same was accepted by Mr. Saffold.

The previous question was called for and sustained.

Mr. Whiteley called for a division of the proposition.

The vote was taken first on the proposed proviso of Mr. Saffold, which was lost.

The Resolution was then adopted.

Mr. Bullock moved a suspension of the Rule for the purpose of offering the following Resolution, which, prior to action on said motion, was read for the information of the House:

*Resolved*, That it is the determination of this Convention to recognize all legitimate indebtedness of the State of Georgia, and we hold that said indebtedness should ever be held sacred.

In this series of obligations we enumerate: First, the entire bonded debt created under Acts of the General Assembly of the State of Georgia before the war; Second, the bonded debt created since 1865.

*Provided, however*, That no indebtedness (bonds or otherwise) created by the State of Georgia during the late rebellion, or indebtedness created during the last two years, for the benefit, directly or remotely, of any interest of the rebel State or Confederate Government, shall in any manner be recognized by the Convention.

Pending the motion for the suspension of the Rule,



and at the suggestion of Mr. Miller, Mr. Bullock changed the foregoing proposition to read as follows:

*Resolved*, That it is the determination of this Convention to recognize all the legitimate indebtedness of the State of Georgia, and we hold said indebtedness should ever be held sacred.

In this series of obligations, we enumerate all the bonded debt of the State issued and negotiated before the 19th day of January, 1861, and since the 1st day of June, 1865.

Mr. Whiteley called for the previous question on the motion to suspend the Rule.

The same was not sustained.

The motion to suspend the Rule was lost.

On motion of Mr. Martin, of Habersham, the Rule was suspended, when he introduced the following Resolution, to-wit:

*Resolved*, That the Disbursing Agent of this Convention be authorized and required to pay to each member and officer of this Convention, so soon as he may receive a sufficient amount to do so, the sum of fifty dollars.

Mr. Stanford moved to amend the same so as to require the Disbursing Agent to pay first the expenses of the Convention for Clerks, stationery, etc.

On motion of Mr. Bryant the Resolution and amendment were laid on the table.

Mr. Higbee, from the Committee on Enrollment, made the following report, to-wit:



*Mr. President:*

The Committee on Enrollment beg leave to report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President, and attestation of the Secretary, to-wit:

A Resolution in relation to the slanderous assertions of A. A. Bradley.

A Resolution to expel Aaron A. Bradley, a delegate to this Convention.

A Resolution to discharge the Committee appointed to investigate the charges against A. A. Bradley.

A Resolution to appoint a Committee of seven to prepare a substitute for the thirty-second section of the Bill of Rights.

A Resolution relative to the suit in the Supreme Court of the United States by the State of Georgia.

W. A. FORT,

Chairman Committee on Enrollment.

The consideration of the report of the Committee on Legislative Department was resumed, the fourth section thereof being first in order.

The first, second, third, fourth, and fifth paragraphs of said section were adopted without amendment.

On motion of Mr. Speer, the sixth paragraph of said fourth section was amended by inserting after the word "Representatives," in the second line, the words "and attested by the Secretary of the Senate and the Clerk of the House of Representatives."

On motion of Mr. McCay, said paragraph was further



amended by inserting after the word "proposed," in the third line, the words "during the same session."

The same as amended was adopted, and is as follows:

All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the Secretary of the Senate, and the Clerk of the House of Representatives; and no Bill, Ordinance, or Resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed during the same session under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

Mr. Bell, of Banks, moved to amend the seventh paragraph of the fourth section by striking out from the third line the words "either or both of."

This amendment was withdrawn by the mover, and the said paragraph adopted without amendment.

On motion of Mr. McCay the eighth paragraph was divided so as to act first on that portion ending with the word "concur" in the fifth line.

Mr. Speer proposed to amend the same by striking out all after the word "each" in the second line to the word "House," inclusive, in the fourth line, and inserting in lieu of the words to be stricken out the following: "and as many sub-Clerks as such House may authorize."

This amendment was withdrawn by the mover.

Mr. Whiteley moved to amend said clause of the eighth paragraph by striking from the fifth line thereof the word "two-thirds" and inserting in lieu thereof the words "a majority."



Upon this motion the yeas and nays were demanded.

Those who voted in the affirmative are Messrs.

Alexander,	Jackson,
Anderson,	Joiner,
Ashburn,	Jones,
Bedford,	Jordan,
Bentley,	Linder,
Beaird,	Lumpkin,
Baldwin,	Madden,
Belle of Oglethorpe,	Maddox,
Bowden of Campbell,	Maull,
Blodgett,	Minor,
Bryant,	Moore of Columbia,
Bryson,	Murphy,
Bullock,	Neal,
Campbell,	Noble,
Casey,	Palmer,
Clift,	Pope,
Chatters,	Prince,
Claiborne,	Reynolds,
Chambers,	Rice,
Cobb of Houston,	Rozar,
Costin,	Sikes,
Conley,	Seeley,
Crane,	Sherman,
Crayton,	Speer,
Crumley,	Stewart,
Dinkins,	Stone,
Edwards,	Strickland,
Goodwin,	Wallace,
Golden,	Whitaker,
Guilford,	Whitehead of Burke,
Harrison of Hancock,	Whitehead of Butts,
Higbee,	Whiteley,
Hopkins,	Williams.
Howe,	



Those who voted in the negative are Messrs.

Atkins,	Hudson,
Angier,	Hutcheson,
Bell of Banks,	Key,
Bowers,	King,
Blount,	Knox,
Bracewell,	Lee,
Carson,	Lott,
Cameron,	Matthews,
Christian of Newton,	Martin of Carroll,
Cooper,	Martin of Calhoun,
Crawford,	Martin of Habersham,
Cotting,	McHan,
Dunning,	McCay,
Dunnegan,	Miller,
Ellington,	Moore of White,
Foster of Paulding,	Saffold,
Gilbert,	Smith of Charlton,
Gove,	Smith of Coweta,
Griffin,	Smith of Thomas,
Harrison of Carroll,	Shumate,
Higden,	Trawick,
Hotchkiss,	Turner,
Houston,	Welch,
Holcombe,	Woodey.
Hooks,	

There are yeas, 68; nays, 49. So the same was received.

On motion of Mr. Murphy said clause of the eighth paragraph was further amended by striking out the word "two-thirds" from the third line thereof and inserting the word "majority."

Said clause, as amended, was adopted.

The following communication from Major-General Meade, and accompanying Order were laid before the



Convention by the President :

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dept. of Georgia, Florida, and Alabama),

ATLANTA, GA., Feb. 14, 1868.

*Hon. J. R. Parrott, President Constitutional Convention,  
Atlanta, Ga. :*

SIR: I have the honor to acknowledge the receipt, by the hands of the Secretary of the Convention, of an official copy of the Ordinance passed on the 8th inst., to provide the means for defraying the expenses of the Convention and the compensation of officers and members, and beg leave to enclose herewith a copy of the Order issued by me, approving said Ordinance, and directing its enforcement.

Inasmuch as in my judgment the issue of any scrip had better be superintended by those officers of the State Government connected with the control of its finances, I have so far modified the Ordinance as to impose upon these officers the issue of the scrip provided for in sections two (2) and five (5) of the Ordinance.

Very respectfully, your obedient servant,

GEORGE G. MEADE,

*Major-Gen. U. S. A. Com'g. Third Military Dist.*



HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dept. Georgia, Florida, and Alabama),

ATLANTA, GA., Feb. 14, 1868.

*General Orders, No. 24.*

I. WHEREAS, The Constitutional Convention of Georgia, now in session in Atlanta on the 8th day of February, 1868, enacted the following Ordinance:

AN ORDINANCE to procure the means of defraying the expenses of this Convention, and the compensation of officers and members.

Section 1. *Be it Ordained by the people of Georgia in Convention assembled*, That an Ordinance of this Convention, passed on the 20th day of December, in the year of 1867, entitled "An Ordinance to levy and collect a tax to pay the delegates and officers connected with the Convention, as well as all other incidental expenses," except the second section thereof, is hereby rescinded, and the following is ordained in lieu thereof, to-wit:

That it shall be the duty of the Comptroller General of the State of Georgia to levy and assess a tax of one-tenth of one per cent. on all the taxable property of this State, as returned upon the digests for the year 1867, for the purpose of defraying the expenses of this Convention, and the compensation of officers and members thereof; and it shall be the duty of the Tax Collectors in the several counties of this State to collect the tax so assessed, and to pay the same to the Comptroller-General on or before the first day of May, 1868. And it shall be the duty of the several Tax Collectors to issue executions against all persons subject to taxation under this ordinance,



whose tax is unpaid, after twenty days' notice to pay it, for the amount of tax due by them, and fifty *per centum* thereon and all costs; and of Sheriffs and Constables to levy and sell under such executions and to return the proceeds to the Tax Collectors as soon as the same can be done under the provisions of existing laws.

Sec. 2. *Be it further Ordained*, That any scrip which may be issued by the authority of this Convention for the purpose aforesaid, shall be receivable by the Comptroller General from the Tax Collectors in payment of the tax aforesaid.

Sec. 3. *Be it further Ordained*, That the Tax Collectors shall receive the same per cent. for collecting the tax aforesaid as they are now allowed by law for collecting the State tax.

Sec. 4. *Be it further Ordained*, That the Comptroller-General shall issue to the Tax Collectors all necessary orders for the collection and payment of the tax aforesaid; which orders shall be binding upon said Tax Collectors.

Sec. 5. *Be it further Ordained*, That the moneys and scrip received by the Comptroller-General under this ordinance be paid by him into the Treasury of this State, to be disposed of as this Convention shall hereafter direct.

II. *Therefore*, By virtue of the plenary powers vested by the Acts of Congress in the Commanding General of the Third Military District, it is ordered, that all of said Ordinance, except what is contained in sections two and five, is approved, and directed to be carried into execution; and it is hereby enjoined on the Provisional Governor, Comptroller-General, and Secretary of State, Tax Collectors, Sheriffs, and all others, to give due and



prompt respect to the requirement of this Order, and to the collection of the special tax provided for in the aforesaid Ordinance.

III. In lieu of sections of two and five of the aforesaid Ordinance, the Provisional Governor of the State is herewith authorized to issue, in advance of the collection of the special tax, scrip in such sums as may be deemed the most convenient, and not to exceed in amount Fifty Thousand Dollars.

IV. The scrip herein authorized to be issued, shall be made receivable in payment of the special tax; shall be paid out of the Treasury only for the pay and expenses of the Convention; and so much as shall not be received in payment of the special tax shall be redeemed out of the proceeds of said special tax, when collected.

By order of Major-General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

*Official:*

R. C. DRUM, A. A. G.

The Convention, on motion, adjourned until 9½ o'clock a. m., Monday.

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ATLANTA, GA., Monday, February 17, 1868.

The Convention met pursuant to adjournment.

Information having been received of the absence of the President, Mr. Conley was, on motion of Mr. Miller, called to the Chair.

The Convention was called to order by the temporary Chairman, and prayer was offered by the Chaplain.



Mr. Miller moved that the Convention proceed to the election of a President *pro tem*.

The motion prevailed, and the Hon. J. L. Dunning was elected to that position by acclamation, and took the Chair.

The Journal was read.

Mr. Miller moved the reconsideration of so much thereof as relates to the action of the Convention in adopting the following amendment to the sixth paragraph of the fourth section of the report of the Committee on Legislative Department, to-wit: The insertion after the word "Representatives," in the second line, the words "and attested by the Secretary of the Senate and the Clerk of the House of Representatives."

The motion prevailed, the said amendment was stricken out, and the paragraph adopted as amended.

Mr. Adkins moved the reconsideration of so much of the Journal as relates to the action of the Convention in amending and adopting the eighth paragraph and fourth section of said report, and gave notice that, if his motion prevailed, he would propose to amend by striking out all after the word "House," in the fourth line, and inserting in lieu thereof the following, to-wit:

The *per diem* pay of members shall not exceed four dollars in specie, or its equivalent, and ten cents per mile going and coming once to the House of Assembly, for travelling expenses.

The motion of Mr. Adkins did not prevail.

The unfinished business of Saturday was resumed, to-wit: the report of the Committee on Legislative Depart-



ment, the ninth paragraph of the fourth section being first in order.

Said ninth paragraph was adopted without amendment.

Mr. Speer moved to amend the tenth paragraph of said section by striking out all between the word "election," in the eleventh line, to the word "vote," inclusive, in the thirteenth line.

This amendment was withdrawn by the mover, and the tenth paragraph was also adopted without amendment.

On motion of Mr. Higbee, the first paragraph of the fifth section was amended by striking out the last "the," in the first line, and inserting "this."

Mr. Whiteley moved to further amend said paragraph by substituting the word "enact" for the word "make," in the first line, and by striking out the words "and ordinances," in the same line.

This amendment was withdrawn by the mover, and the paragraph adopted as amended.

Paragraph second, of the fifth section, was adopted without amendment.

On motion of Mr. Bedford, paragraph third, of the fifth section, was stricken out.

Mr. Bedford moved to strike out the whole of paragraph four, of the fifth section.

Mr. Miller moved to amend the same by inserting the following after the word "power," in the first line, to-wit: "By a vote of two-thirds of both branches;" and



after the word "charter," in said line, insert the word "hereafter."

Mr. McCay proposed to amend the same by adding thereto the following, to-wit: "And regulate, by law, the rates and charges of railroads, bridges, ferries, and turnpikes."

Mr. Crane offered the following as a substitute for the paragraph, as reported, and the pending amendments, to-wit:

The General Assembly shall have power to regulate, by law, all freights, tolls, and charges of all chartered companies and corporations in this State.

Mr. Bedford moved the indefinite postponement of the original paragraph, the pending amendments, and proposed substitute.

Mr. Ashburn called for the previous question, which was sustained.

Mr. Bedford, by consent, withdrew his motion to indefinitely postpone.

The main question was put, and the substitute of Mr. Crane, the amendment of Mr. McCay, and the amendment of Mr. Miller were lost.

The question recurring on the motion of Mr. Bedford to strike out said paragraph, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,  
Alexander,  
Anderson,

Angier,  
Ashburn,  
Bedford,



Bentley,	Jackson,
Beaird,	Joiner,
Belle of Oglethorpe,	Jones,
Bell of Banks,	Jordan,
Blodgett,	Knox,
Bigby,	Linder,
Blount,	Lumpkin,
Bryant,	Madden,
Bryson,	Maddox,
Bullock,	Maull,
Campbell,	Moore of Columbia,
Carson,	Murphy,
Casey,	Palmer,
Chatters,	Pope,
Claiborne,	Prince,
Chambers,	Reynolds,
Cooper,	Rice,
Cobb of Houston,	Rozar,
Costin,	Saulter,
Conely,	Sikes,
Crane,	Smith of Charlton,
Crawford,	Smith of Thomas,
Crayton,	Speer,
Cotting,	Shumate,
Daley,	Stewart,
Dinkins,	Stanley,
Dunning,	Stone,
Flynn,	Strickland,
Golden,	Trawick,
Guilford,	Wallace,
Harland,	Welch,
Harrison of Carroll,	Whitaker,
Harrison of Hancock,	Whitehead of Burke,
Higden,	Whiteley,
Hotchkiss,	Williams,
Hopkins,	Woodey.

Those who voted in the negative, are Messrs.

Bowden of Campbell,	Bowers,
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Burnett,	Key,
Cameron,	Lee,
Caldwell,	Lott,
Dunnegan,	Mathews,
Edwards,	Martin of Carroll,
Ellington,	Martin of Calhoun,
Fields,	Martin of Habersham,
Fort,	McCay,
Foster of Paulding,	McHan,
Gilbert,	Minor,
Gove,	Miller,
Griffin,	Moore of White,
Higbee,	Smith of Coweta,
Houston,	Shropshire,
Holcombe,	Stanford,
Hooks,	Trammell,
Howe,	Walton,
Hudson,	Whitehead of Butts.
Hutcheson,	

There are yeas, 78; nays, 39. So the fourth paragraph of the fifth section was stricken out.

Mr. Higbee moved to amend the first paragraph of the sixth section by substituting for the words "published from time to time" the words "attached to, and published with the laws after each regular session of the General Assembly."

The same was lost.

Said first paragraph of the sixth section was then amended, on motion of Mr. McCay, by adding thereto the following: "And with the laws passed by each session of the General Assembly."

The same was adopted as amended, and is as follows, to-wit:



No money shall be drawn from the Treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published from time to time, and with the laws passed by each session of the General Assembly.

Mr. Conley proposed to amend the second paragraph of section six by inserting after the word "person," in the first line, the words "or religious body."

Mr. Miller offered to amend said paragraph by inserting after the word "of," in the first line, the words "any religious body, nor in favor of."

The same was accepted by Mr. Conley, and afterwards withdrawn.

Mr. Bullock offered the following as a substitute for the original paragraph and proposed amendments, to-wit:

No vote, law, or order shall pass, granting a donation or gratuity in favor of any person, corporation, or association.

The same was not adopted.

Mr. McCay proposed to amend said paragraph by adding thereto the following, to-wit: "Nor to any sectarian corporation or association at all."

The same was received, the paragraph adopted as amended, and is as follows, to-wit:

No vote, resolution, law, or order shall pass, granting a donation or gratuity in favor of any person, except by the concurrence of two-thirds of each branch of the General Assembly, nor to any sectarian corporation or association at all.



On motion of Mr. Higbee, the third paragraph of the sixth section was amended by substituting the word "amended" for the word "annulled," in the first line thereof.

The same was further amended, on motion of Mr. McCay, by adding thereto the following, to-wit: "But this clause shall be construed as directory, only, to the General Assembly."

Mr. Higbee moved to amend said paragraph, as amended, by adding to it the following, to-wit:

And it shall be the duty of the General Assembly, in amending any article or section of an approved Code of Laws of this State, to enact the same as the said article or section would read, when amended; and whenever the General Assembly shall enact any public general law, not amendatory of any section or article in the said Code, it shall be the duty of the General Assembly to enact the same in articles and sections in the same manner as the said Code may be arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

This amendment was not received.

Said paragraph was then adopted, as amended, and is as follows, to-wit:

No law or section of the Code shall be amended or repealed by mere reference to its title or to the number of the section in the Code, but the amending or repealing act shall distinctly and fully describe the law to be amended or repealed, as well as the alteration to be made; but this clause shall be construed as directory, only, to the General Assembly.



Leave of absence was granted Mr. Sherman on account of sickness.

The Convention adjourned until 9½ o'clock a. m. to-morrow.

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ATLANTA, GA., Tuesday, February 18, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain,

The Journal was read.

On motion of Mr. Hotchkiss, the Rule was suspended, when he offered the following Resolution, which was taken up and adopted:

*Resolved*, That a Committee of three be appointed to wait upon the Provisional Governor, now in this city, and tender to him an invitation to visit the Convention at his pleasure.

The following Committee was appointed by the President under the foregoing Resolution, to-wit: Messrs. Hotchkiss, Edwards, and Fort.

Mr. Maddox moved a suspension of the Rule for the purpose of offering the following Resolution, to-wit:

*Resolved*, That the roll of the members shall be called every morning before the reading of the Journal, and that the Secretary shall mark the absentees.

*Resolved, further*, That no member of this Convention shall, while absent on his own business, receive any pay *per diem*, sickness and other Providential causes alone excepted.

The motion to suspend the Rule did not prevail.



The consideration of the unfinished business of yesterday was resumed, to-wit: the report of the Committee on Legislative Department, the fourth paragraph of the sixth section being first in order.

Mr. Conley moved to amend said paragraph by substituting the word "majority" for the word "two-thirds," in the fourth line thereof.

Mr. Higbee moved to amend by substituting for "two-thirds" "three-fifths."

Mr. Blodgett called for a division of the question by taking the vote, first, on the motion to strike out.

The motion to strike out prevailed; the motion of Mr. Higbee to insert "three-fifths" was lost, and the proposition of Mr. Conley to fill the blank with "a majority" was received.

Mr. Conley moved to amend the same by inserting after the word "City," in the fifth line, the words "voting at said election."

The same prevailed.

Mr. Saffold offered the following as a substitute for said paragraph, as amended, to-wit:

No law shall be passed by which a citizen shall be compelled, directly or indirectly, to become individually a stockholder in, or contribute to any railroad or work of public improvement; but the General Assembly may permit the corporate authorities of a corporate town or city to take stock in, or make contribution to any railroad or work of public improvement, or engage in such work, after a majority of the qualified voters of such



town or city shall, at any election held for the purpose, have voted in favor of the same, but not otherwise.

The substitute of Mr. Saffold was lost, and the fourth paragraph of the sixth section adopted as amended, and is as follows, to-wit:

No law shall be passed by which a citizen shall be compelled, against his consent, directly or indirectly, to become a stockholder in, or contribute to any railroad or work of public improvement, except in the case of the inhabitants of a corporate town or city. In such cases the General Assembly may permit the corporate authorities to take such stock, or make such contribution, or engage in such work, after a majority of the qualified voters of such town or city voting at said election shall, at any election held for the purpose, have voted in favor of the same, but not otherwise.

On motion of Mr. McCay, paragraph five of section six was taken up by sentences.

Mr. Bedford proposed to amend the first sentence of said paragraph as follows, to-wit: Strike out the word "no" after the word "have," in the first line; in the first and second lines, strike out the words "to private companies, except;" insert after the word "companies," in the third line, the following, to-wit:

For the period of twenty years, or less, and, at the expiration of such charters, may extend or repeal where the companies are not actually proceeding to carry their charters into effect within two years after their being granted, or modify them as the public interest may require; and their accommodation for all shall be equal.



The same was withdrawn by the mover, and said first sentence was adopted without amendment.

Mr. Whiteley moved to amend the second sentence of said fifth paragraph by substituting the word "Bank" for the word "Company," in the first line thereof.

Mr. Miller called for the previous question, which was sustained.

Mr. Conley required a division of the question.

The vote was taken, first, on the motion to strike out the word "Company."

This motion prevailed.

The vote was then taken on the motion to fill the blank with the word "Banks," which also prevailed.

The said second sentence was then adopted as amended.

Mr. Welch offered the following, to be inserted as an independent sentence after the second sentence in the fifth paragraph of the sixth section, to-wit:

The General Assembly shall pass no usury laws, but, in all cases where no rate of interest is mentioned, it shall be seven per cent.

Mr. Angier proposed the following as a substitute for the foregoing, which was accepted by Mr. Welch, to-wit:

There shall be no usury laws in Georgia, but the rate of interest shall be that mentioned in the face of the note: Provided, when no rate is mentioned, the legal rate of interest shall be seven per cent. per annum.

Mr. Blount called for the previous question, which was sustained.



The question was put, and the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Hopkins,
Alexander,	Hudson,
Angier,	Jones,
Ashburn,	Madden,
Beaird,	Maul,
Baldwin,	Martin of Habersham,
Blodgett,	McHan,
Bullock,	Minor,
Campbell,	Miller,
Casey,	Murphy,
Clift,	Neal,
Claiborne,	Palmer,
Cobb of Madison,	Pope,
Costin,	Prince,
Conley,	Rice,
Cotting,	Sikes,
Dunning,	Speer,
Gibson,	Stone,
Gilbert,	Trammell,
Goodwin,	Wallace,
Gove,	Waddell,
Golden,	Welch,
Guilford,	Whitehead of Burke,
Harrison of Carroll,	Williams,
Harrison of Hancock,	Wooten.
Higbee,	

Those who voted in the negative, are Messrs.

Anderson,	Bowers,
Bedford,	Bigby,
Bell of Oglethorpe,	Blount,
Bell f Banks,	Bryant,
Bowden of Campbell,	Brown,



Bracewell,	Joiner,
Bryson,	Key,
Burnett,	Knox,
Carson,	Lee,
Cameron,	Linder,
Christian of Newton,	Lott,
Chatters,	Lumpkin,
Cooper,	Maddox,
Cobb of Houston,	Mathews,
Crane,	Martin of Carroll,
Crawford,	Martin of Calhoun,
Dinkins,	McCay,
Dunnegan,	Moore of White,
Edwards,	Moore of Columbia,
Ellington,	Saffold,
Fields,	Saulter,
Fort,	Seeley,
Foster of Paulding,	Smith of Charlton,
Griffin,	Smith of Coweta,
Harland,	Smith of Thomas,
Harris of Newton,	Shropshire,
Higden,	Shumate,
Hotchkiss,	Stanford,
Houston,	Supple,
Holcombe,	Stanley,
Hooks,	Trawick,
Howe,	Whitaker,
Hutcheson,	Whiteley,
Jackson,	Woodey.

There are yeas, 51; nays, 68. So the same was not adopted.

Mr. Conley moved to amend the third sentence of the fifth paragraph of the sixth section by adding after the word "stockholders," in the eighth line of said paragraph, the words "not exceeding double the stock held by them."



Mr. Whiteley moved to strike out the whole of said sentence.

Mr. Hotchkiss called for the previous question, which was sustained.

The main question was put, and the amendment proposed by Mr. Conley adopted.

The vote was then taken on the motion of Mr. Whitely to strike out the whole sentence, which prevailed.

Mr. McCay offered the following as an additional sentence, to-wit:

The General Assembly shall grant no charter exempting the property of the Company from taxation, nor to any railroad, without reserving the right to permit said road to be crossed by other railroads, or other roads to be built within at least ten miles in the same general direction.

Mr. Conley required a division of the proposition, so as to act, first, on that part which terminates with the word "taxation."

Mr. Bryant moved to amend by inserting after the word "charter" the words "except to manufacturing companies and institutions of learning."

The same was received.

Mr. Miller called for the previous question, which was sustained.

The main question was put, and the first clause, as amended, was lost.

The vote was then taken on the remainder of the proposition, which was also lost.



Mr. Bell, of Banks, proposed to amend the fourth sentence of the fifth paragraph of the sixth section by substituting the words "a majority" for the word "two-thirds," in the eleventh line.

The same was received.

Said sentence was further amended, on motion of Mr. Whiteley, by inserting after the word "lien," in the thirteenth line, the words "except to laborers."

The sentence was adopted as amended.

Leave of absence was granted Messrs. Bentley and Hopkins, on important business, and to Messrs. Smith of Charlton, McWhorter, and Bowden of Monroe, on account of sickness of themselves or families.

Mr. Martin, of Habersham, offered the following Resolution, which was taken up, read, and agreed to, to-wit:

*Resolved*, That the Disbursing Agent of this Convention pay *pro rata*, from time to time, to the members and officers, and to the contingent expenses of the Convention, such sums of money as he may receive from loans or other sources, for the use of this Convention, upon receiving from such party interested a proper voucher for such payments.

The Convention, on motion, adjourned until 9½ o'clock a. m., tomorrow.

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ATLANTA, GA., Wednesday, February 19, 1868.

The Convention met pursuant to adjournment,

Prayer by the Chaplain.

The Journal was read.



Mr. Conley moved a reconsideration of so much thereof as relates to the rejection of the amendment of Mr. Welch reported yesterday, on the subject of usury.

The motion did not prevail.

On motion of Mr. Speer, the Rule was suspended, when he offered the following Resolution, which was taken up and agreed to, to-wit:

*Resolved*, That a Committee of three be appointed by the President, to wait on Captain C. F. Rockwell, Provisional Treasurer of this State, and tender him a seat in this Hall, during his temporary sojourn in this city.

The President appointed the following gentlemen as said Committee, to-wit: Messrs. Speer, Higbee and Chambers.

The Rule was suspended, on motion of Mr. Griffin, when he offered the following Resolution, which was taken up, to-wit:

*Resolved*, That from and after this date, the hours of meeting of this Convention shall be 9 o'clock a. m. and 2½ o'clock p. m., and of adjournment 1 o'clock p. m. and 5 o'clock p. m.

Mr. Whiteley moved to lay said Resolution on the table. Upon this motion, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,	Bryant,
Alexander,	Campbell,
Angier,	Carson,
Ashburn,	Casey,
Bedford,	Caldwell,
Bowden of Campbell,	Chatters,



Claiborne,	Minor,
Chambers,	Miller,
Cobb of Houston,	Noble,
Costin,	Palmer,
Crumley,	Pope,
Cotting,	Prince,
Dunning,	Reynolds,
Edwards,	Rice,
Ellington,	Saffold,
Fort,	Sikes,
Gilbert,	Smith of Coweta,
Golden,	Shumate,
Guilford,	Stewart,
Harrison of Hancock,	Supple,
Higbee,	Stone,
Higden,	Strickland,
Howe,	Walton,
Hudson,	Wallace,
Jackson,	Whitaker,
Joiner,	Whitehead of Burke,
Knox,	Whitehead of Butts,
Linder,	Whiteley,
Maddox,	Williams.
Martin of Carroll,	

Those who voted in the negative, are Messrs.

Adkins,	Clift,
Anderson,	Christian of Newton,
Belle of Oglethorpe,	Cooper,
Bell of Banks,	Cobb of Madison,
Bowers,	Conley,
Blodgett,	Crawford,
Bigby,	Crayton,
Blount,	Dinkins,
Brown,	Dunnegan,
Bracewell,	Fields,
Bryson,	Foster of Paulding,
Burnett,	Gibson,
Cameron,	Goodwin,



Gove,	McCay,
Griffin,	Moore of White,
Harris of Newton,	Moore of Columbia,
Harrison of Carroll,	Murphy,
Hotchkiss,	Neal,
Houston,	Potts,
Hopkins,	Rozar,
Hooks,	Saulter,
Hutcheson,	Seeley,
Jones,	Smith of Charlton,
Key,	Smith of Thomas,
King,	Speer,
Lee,	Stanford,
Lott,	Trammell,
Lumpkin,	Trawick,
Martin of Calhoun,	Welch,
Martin of Habersham,	Woodey,
McHan,	Wooten.

There are yeas, 59; nays, 62. So the motion to lay said Resolution on the table did not prevail.

Mr. Bedford offered the following as a substitute therefor:

*Resolved*, That the hours of meeting and adjournment shall be 9½ o'clock a. m. and 2 o'clock p. m.

Mr. Conley moved to amend the Resolution of Mr. Griffin by striking out 2 o'clock p. m. and inserting 3 o'clock p. m.

Mr. Bryant moved to lay the whole subject-matter on the table, which prevailed.

The unfinished business of yesterday was resumed, to-wit: the fifth sentence of the fifth paragraph and sixth section of the report of the Committee of Legislative Department.



Mr. Ashburn moved to strike out the whole of said sentence.

The same was lost.

Mr. Whiteley moved to amend, by striking out all between the word "shall," where it first occurs, in the fifteenth line, and the word "provide," in the same line.

The motion prevailed, and the sentence, as amended, was adopted.

Mr. Bedford moved to amend the sixth sentence in said paragraph, by adding the following thereto, to-wit:

The General Assembly shall, at their first session after the adoption of this Constitution, enact such laws as will compel all common carriers to provide equal accommodations for all persons, without discrimination.

The same was ruled out of order, because not germane to the subject.

On motion of Mr. Miller, the word "this" was substituted for the word "the," before "Constitution," at the end of said sentence.

On motion of Mr. McCay, the same was further amended, by inserting after the word "money," in the seventeenth line, the words "or contract any debt."

Mr. McCay proposed to amend further, by inserting after the word "defense," in the eighteenth line, the words "to raise a Common School fund, and for public improvements."

Mr. Bryant proposed to amend, by inserting after the word "money," in said eighteenth line, the words "internal improvements and educational interests."



Mr. McCay accepted the same, as a substitute for his proposed amendment, and moved to amend said substitute, by adding thereto the following: "And charitable institutions under the superintendence of the State." The same was accepted by Mr. Bryant, and reads, "internal improvements, educational interests, and charitable institutions under the supervision of the State."

The same was adopted.

On motion of Mr. Whiteley, the whole sentence was stricken out.

The seventh sentence was adopted without amendment.

On motion of Mr. Bryant, the whole of the eighth sentence was stricken out.

Mr. Bedford offered the following, as an additional sentence to said fifth paragraph, to-wit:

The General Assembly shall, at their first session after the adoption of this Constitution, enact such laws as will compel all common carriers to provide equal accommodations for all persons, without discrimination.

Mr. King offered the following, as a substitute for the foregoing, to-wit:

The General Assembly shall pass no law abridging the right of public carriers to discriminate as to the rates and classification of freight, as well as to the classification of individual passengers.

Mr. Whiteley moved the reference of the proposed sentence and substitute to the Committee on Bill of Rights with instruction to report the following as an addition to the second section of the Bill of Rights, to-wit:



And it shall be the duty of the General Assembly to enforce, by appropriate legislation, the provisions of this section.

The motion to refer did not prevail.

Mr. Akerman moved to amend the substitute of Mr. King, by adding thereto, the following, to-wit: "But common carriers shall be compelled to provide accommodations equally good for all passengers who pay the same fare, and that this provision shall not be construed to require such carriers to convey passengers who are guilty of disorderly behavior."

A division of the question was required by Mr. Campbell and Mr. Conley, so as to take the vote on the substitute and amendment separately.

Mr. Smith, of Coweta, moved that the whole subject-matter be laid on the table.

Upon this motion the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,	Christian of Newton,
Angier,	Chambers,
Bell of Banks,	Cooper,
Bowden of Campbell,	Crane,
Bigby,	Crawford,
Blount,	Cotting,
Brown,	Dunnegan,
Bracewell,	Fields,
Bryson,	Flynn,
Buchan,	Foster of Paulding,
Burnett,	Goodwin,
Carson,	Gove,
Cameron,	Griffin,



Harris of Newton,	McCay,
Harrison of Carroll,	Minor,
Higden,	Miller,
Hotchkiss,	Moore of White,
Houston,	Neal,
Holcombe,	Saffold,
Hooks,	Saulter,
Howe,	Smith of Charlton,
Hudson,	Smith of Coweta,
Hutcheson,	Smith of Thomas,
Jordan,	Speer,
Key,	Shropshire,
King,	Shumate,
Knox,	Stanford,
Lee,	Stanley,
Lott,	Trammell,
Maddox,	Waddell,
Martin of Carroll,	Welch,
Martin of Calhoun,	Whiteley,
Martin of Habersham,	Woodey.
Mathews,	

Those who voted in the negative, are Messrs.

Adkins,	Claiborne,
Alexander,	Cobb of Houston,
Anderson,	Costin,
Ashburn,	Conley,
Bedford,	Crayton,
Beaird,	Crumley,
Bell of Oglethorpe,	Dailey,
Bowers,	Dinkins,
Blodgett,	Dunning,
Bryant,	Ellington,
Bullock,	Gilbert,
Campbell,	Golden,
Casey,	Guilford,
Clift,	Harrison of Hancock,
Chatters,	Higbee,



Hopkins,	Reynolds,
Jackson,	Rice,
Joiner,	Rozar,
Jones,	Sikes,
Linder,	Seeley,
Lumpkin,	Stewart,
Madden,	Supple,
McHan,	Stone,
Moore of Columbia,	Strickland,
Murphy,	Walton,
Noble,	Wallace,
Palmer,	Whitaker,
Pope,	Whitehead of Burke,
Potts,	Whitehead of Butts,
Prince,	Williams.

There are yeas, 67; nays, 60. So the motion to lay on the table prevailed.

Mr. Angier proposed the following, to be known as paragraph four of the fifth section :

The rate of interest in this State shall be that mentioned in the contract; but, if the contract specifies no rate of interest, the legal rate of interest shall be seven *per cent. per annum*; *Provided*, That the General Assembly, by a vote of two-thirds of both branches, may change or modify this section.

Pending action on said proposed paragraph, Mr. Miller moved a suspension of the Rule, for the introduction of the following Resolution, to-wit:

*Resolved*, That the Disbursing Agent be authorized and instructed to pay to the Journalizing Clerk the sum of one hundred and twenty dollars; to each of the other officers and members the sum of sixty dollars; to the pages and other employees of the Convention; for print-



ing, and upon account for incidental expenses, such sums as the Auditing Committee shall direct.

The motion to suspend the Rule prevailed.

Mr. Miller moved that the Resolution, adopted yesterday, relative to the disbursement of funds by the Disbursing Agent, be rescinded.

The motion prevailed.

The foregoing Resolution of Mr. Miller was taken up and amended, on his motion, by providing that the amount due the Hon. C. C. Richardson, to the date of his decease, be paid by the Disbursing Agent.

Mr. Martin, of Habersham, proposed to amend, by striking out "sixty dollars" and inserting "seventy-five dollars."

Mr. Ashburn moved to amend further, by inserting after the word "members" the word "present."

Mr. Trammell proposed to amend the amendment of Mr. Ashburn, by adding, "or absent on leave from the Convention."

The amendment to the amendment was received, and the same, as amended, was adopted.

Mr. Trammell proposed to amend, by instructing the Committee on Printing to discontinue the publication of the daily proceedings of the Convention in the daily papers of this city.

Upon this motion he required the yeas and nays to be recorded.



Those who voted in the affirmative, are Messrs.

Adkins,	Howe,
Akerman,	Hutcheson,
Anderson,	Jones,
Bell of Banks,	Key,
Bowers,	King,
Bigby,	Lee,
Blount,	Lott,
Brown,	Maddox,
Bryson,	Mathews,
Burnett,	Martin of Carroll,
Cameron,	Martin of Calhoun,
Costin,	McHan,
Crane,	Moore of White,
Dunnegan,	Neal,
Fields,	Palmer,
Flynn,	Saulter,
Foster of Paulding,	Smith of Coweta,
Griffin,	Smith of Thomas,
Harrison of Carroll,	Shropshire,
Higbee,	Stanford,
Higden,	Trammell,
Houston,	Trawick,
Holcombe,	Waddell,
Hooks,	Woodey.

Those who voted in the negative, are Messrs.

Alexander,	Bullock,
Angier,	Campbell,
Ashburn,	Carson,
Bedford,	Casey,
Beaird,	Caldwell,
Bell of Oglethorpe,	Clift,
Bowden of Campbell,	Christian of Newton,
Blodgett,	Chatters,
Bryant,	Claiborne,
Bracewell,	Chambers,
Buchan,	Cobb of Houston,



Conley,	Miller,
Crawford,	Moore of Columbia,
Crayton,	Murphy,
Crumley,	Noble,
Cotting,	Pope,
Daley,	Potts,
Dinkins,	Prince,
Dunning,	Reynolds,
Edwards,	Rice,
Ellington,	Rozar,
Gilbert,	Saffold,
Goodwin,	Sikes,
Gove,	Seeley,
Golden,	Speer,
Guilford,	Shumate,
Harris of Newton,	Stewart,
Harrison of Hancock,	Stanley,
Hotchkiss,	Stone,
Hopkins,	Strickland,
Hudson,	Walton,
Jackson,	Wallace,
Joiner,	Welch,
Jordan,	Whitaker,
Knox,	Whitehead of Burke,
Linder,	Whitehead of Butts,
Lumpkin,	Whiteley,
Madden,	Williams,
Martin of Habersham,	Wooten.
Minor,	

There are yeas, 48; nays, 79. So the amendment was not received.

The question recurring upon the amendment of Mr. Martin, of Habersham, to strike out "sixty dollars" and insert "seventy-five dollars," the same was adopted.

The Resolution of Mr. Miller, as amended, was adopted, and is as follows, to-wit:



*Resolved*, That the Disbursing Agent be authorized and instructed to pay to the Journalizing Clerk the sum of one hundred and twenty dollars; to each of the other officers and members present, or absent on leave from the Convention, the sum of seventy-five dollars; to the Pages and other employees of the Convention; for printing, and upon account for incidental expenses, such sums as the Auditing Committee shall direct; and shall pay the amount due the late Honorable C. C. Richardson, to the date of his decease.

Mr. Akerman offered the following Resolution, which was adopted, to-wit:

*Resolved*, That the compensation due to the late Mr. Richardson be paid by the Disbursing Agent to Mr. Bryant, of Richmond, who is hereby instructed, after paying out of said money such lawful demands as may exist here against said deceased, to pay the residue to the mother of the deceased.

Leave of absence was granted Messrs. Stanford and Cooper, for three days, on important business.

Mr. Higbee, from the Committee on Enrollment, made the following report, to-wit:

*Mr. President*:

The Committee on Enrollment beg leave to report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to authorize the Committee on Finance to negotiate a loan.

A Resolution to refer sections two and three of the



report of the Committee on the Legislative Department to a Special Committee.

A Resolution to print the memorial of Honorable C. C. Richardson.

A Resolution appointing a Committee to invite Governor Ruger to visit the Convention; also,

A Resolution to invite Captain C. F. Rockwell, Provisional Treasurer of Georgia, to visit the Convention.

W. A. FORT,

Chairman.

Chairman of the Committee on Enrollment.

On motion of Mr. Blodgett, the Rules were suspended, when he offered the following Preamble and Resolutions, which were taken up and agreed to, to-wit:

WHEREAS, The Convention has determined that there shall be no imprisonment for debt in this State; and whereas, creditors are oppressing debtors, by the use of what is known as "Bail Process" and Writs of *Ca. Sa.* Therefore,

*Resolved*, That in the opinion of this Convention, said proceedings are contrary to the wish of the people of this State.

*Resolved*, That the General Commanding this district is hereby requested to protect, by order, the people of this State from the evil above set forth, and that such order remain in force until such time as the people have expressed their will in regard to the Constitution.

*Resolved*, That a copy of this Preamble and Resolu-



tions be transmitted to the Commanding General by the President of this Convention.

The Convention, on motion, adjourned until 9½ o'clock a. m. to-morrow.

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ATLANTA, GA., Thursday, February 20, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Trawick.

Mr. Blodgett, from the Special Committee appointed to consider and report on the subject of Homestead, made the following report—five hundred copies of which were ordered to be printed, and the same made the special order for Monday next, to-wit:

Your Committee, to whom was referred the duty of preparing a substitute for the thirty-second section of the Bill of Rights, as presented to this body, beg leave to submit the following:

Each head of a family, or guardian, or trustee of a family of minor children, shall be entitled to a Homestead of Realty to the value of twenty-five hundred dollars in specie, and Personal Property to the value of two thousand dollars in specie—both to be valued at the time they are set apart. And no Court, or ministerial officer of this State, shall ever have jurisdiction or authority to enforce any judgment, *fi. fa.*, decree, or execution against said property so set apart, except for taxes and money, borrowed of Building and Loan Associations for improving the homestead. And it shall be the duty of the General Assembly, as early as practicable, to provide by law for the setting apart and valuation of said property, and to enact adequate laws for the full and complete protec-



tion and security of the same, to the sole use and behoof of said families as aforesaid. All property of the wife, in her possession at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not liable for the debts of her husband.

FOSTER BLODGETT, *Chairman.*

N. P. HOTCHKISS,

J. E. BLOUNT,

SAMUEL F. GOVE,

H. V. M. MILLER,

W. T. CRANE,

P. B. BEDFORD,

Mr. Higbee, from the Committee on Enrollment, made the following report, to-wit:

*Mr. President:*

The Committee on Enrollment report, as duly enrolled, and ready for the signature of the President, and attestation of the Secretary, the following Preamble and Resolutions, to-wit:

Preamble and Resolutions in regard to imprisonment for debt.

W. A. FORT,

Chairman Committee on Enrollment.

The consideration of the unfinished business of yesterday was resumed, to-wit: the following, proposed by Mr. Angier, to be known as paragraph four of the fifth section:

The rate of interest in this State shall be that mentioned in the contract; but if the contract specifies no rate



of interest, the legal rate of interest shall be seven per cent. per annum: *Provided*, That the General Assumbly, by a vote of two-thirds of both branches, may change or modify this section.

Mr. McCay rose to a point of order, assuming that the same proposition, in substance, had been previously considered and rejected, and that it was legislative in its character.

The point of order was overruled by the President *pro tem*.

Mr. McCay appealed from the decision of the Chair, which decision was not sustained.

Leave of absence was granted Messrs. Cobb of Madison, Griffin, and Maull.

Mr. Whiteley, from the Special Committee, to whom was referred the second and third sections of the report of the Committee on Legislative Department, made the following report, which, on motion, was taken up, to-wit:

#### REPORT OF THE SPECIAL COMMITTEE ON REPRESENTATION.

*To the Convention:*

Your Committee have considered the second and third sections of the report of the Committee on the Legislative Department, and beg leave to report, and recommend the adoption of the following:

1. The first paragraph of the second section, as reported by said Committee.

2. In lieu of the second paragraph the following:



Par. 2. The Senators shall be citizens of the United States, who have attained to the age of thirty years, and who have been citizens of this State for two years, and for one year resident of the District from which elected.

Par. 3. The presiding officer of the Senate shall be styled the President, and shall be elected *viva voce* from the Senators elect.

Par. 4. The same as reported by the Committee.

### SECTION III.

1. The House of Representatives shall consist of One Hundred and Seventy-five Representatives, apportioned as follows: To the six largest Counties, to-wit: Chatham, Richmond, Fulton, Bibb, Houston, and Burke, three Representatives each; to the thirty-one next largest, to-wit: Bartow, Columbia, Cobb, Coweta, Clark, Decatur, Dougherty, Floyd, Gwinnett, Greene, Hancock, Harris, Jefferson, Lee, Muscogee, Monroe, Meriwether, Morgan, Macon, Newton, Oglethorpe, Pulaski, Randolph, Sumter, Stewart, Troup, Thomas, Talbot, Washington, Wilkes, and Warren, two Representatives each; and to the remaining ninety-five Counties, one Representative each.

2. The above apportionment may be changed by the General Assembly after each census by the United States Government, but in no event shall the aggregate number of Representatives be increased.

3. The Representatives shall be citizens of the United States, who have attained the age of twenty-four years, and who have been citizens of the State for one year, and for six months residents of the County from which elected.



Par. 4. Recommend the adoption of paragraph three of the report.

Par. 5. Recommend the adoption of paragraph four of the report.

Par. 6. Recommend the adoption of paragraph five of the report.

RICHARD H. WHITELEY, *Ch'n*  
N. P. HOTCHKISS,  
FOSTER BLODGETT,  
W. P. EDWARDS,  
W. H. WHITEHEAD,  
WESLEY SHROPSHIRE,  
ISAAC SEELEY.

Mr. Miller moved that the report be laid on the table, and five hundred copies thereof printed for the use of the Convention.

This motion was withdrawn by the mover.

Mr. Bryant moved to recommit the report under consideration to the Special Committee, with instructions to report a plan of representation to the General Assembly, based upon population, giving to the House of Representatives one hundred and sixty-nine members, and to the Senate not more than one-third, nor less than one-fourth of that number.

Mr. Miller offered to amend the report of said Special Committee as follows:

The House of Representatives shall consist of eighty-eight members, to be elected by general ticket; but no elector shall be entitled to vote for more than fifty candidates.



Mr. Campbell proposed to amend said reports so that there shall be one representative for every two thousand five hundred persons, and that there shall be twelve additional members of the Senate.

Mr. Bryant offered to amend his motion by referring so much of the report as refers to Senatorial representation back to the Committee, and that they be instructed to report a plan of representation to the Senate, based upon population.

The amendment was received, and, upon the motion to refer, the previous question was called for and sustained.

The main question was put.

The motion of Mr. Bryant to refer was lost.

The amendments of Messrs. Miller and Campbell were lost.

The question of the adoption of the report being submitted to the Convention, Mr. Bryant rose to a point of order, assuming that the previous question having been called and sustained on the motion to refer, did not, in its operation, extend to the question of adopting the report.

The point of order was overruled.

Mr. Bryant appealed therefrom, and the decision of the Chair was sustained,

The report of the Committee was then adopted.

The result having been announced, Mr. Bryant rose to a point of order, assuming, as there had been no motion to adopt said report, the vote upon its adoption was premature.



The President overruled the point of order, stating that, as in the regular course of business the question of adopting the report was pending, it was necessary that there should be a motion for its adoption.

Mr. Bryant appealed from the decision, which decision was sustained.

On motion of Mr. Whiteley, the report of the Committee on "Legislative Department," as amended and adopted, was ordered to be printed, and referred to the Committee on Revision.

Said report, as amended and adopted, is as follows, to-wit:

## SECTION I.

1. The Legislative, Executive, and Judicial Department shall be distinct; and each department shall be confided to a separate body of Magistracy. No person, or collection of persons, being of one department, shall exercise any power properly attached to either of the others, except in cases herein expressly provided.

2. The Legislative Power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, the members whereof shall be elected, and the returns of the election made as now prescribed by law, until changed by the General Assembly.

3. The members of the Senate shall be elected for four years, except that the members elected at the first election from the twenty-two Senatorial Districts, numbered in this Constitution with odd numbers, shall only hold their office for two years. The members of the House of Representatives shall be elected for two years.



The election for members of the General Assembly shall begin on Tuesday after the first Monday in November of every second year, except the first election, which shall be with in-----days after the adjournment of this Convention; but the General Assembly may, by law, change the day of election, and the members shall each hold until their successors are elected and qualified.

4. The first meeting of the General Assembly shall be within-----days after the adjournment of this Convention, after which it shall meet annually on the second Wednesday in January, or on such other day as the General Assembly may prescribe. A majority of each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the presence of its absent members, as each House may provide. No session of the General Assembly, after the second, under this Constitution, shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof.

5. No person holding any military commission or other appointment of office, having any emolument or compensation annexed thereto, under this State or the United States, or either of them, except Justices of the Inferior Court, Justices of the Peace, and officers of the Militia, nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either House. Nor shall any Senator or Representative, after his qualification as such, be elected by the General Assembly or appointed by the Governor, either with or without the advice and consent of two-thirds of the Senate, to any office or appointment, having any emolument annexed thereto, during the time for which he shall have been elected.



6. No person convicted of any felony or larceny before any Court of this State, or of or in the United States, shall be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

7. No person who is a holder of any public moneys shall be eligible to any office in this State, until the same is accounted for and paid into the Treasury.

8. The seat of a member of either House shall be vacated on his removal from the District from which he is elected.

## SECTION II.

1. There shall be forty-four Senatorial Districts in this State composed each of three contiguous counties, from each of which Districts one Senator shall be chosen. Until they are otherwise arranged, as hereinafter provided, the said Districts shall be constituted of counties as follows:

The First District of Chatham, Bryan, and Effingham.

The Second District of Liberty, Tatnall, and McIntosh.

The Third District of Wayne, Pierce, and Appling.

The Fourth District of Glynn, Camden, and Charlton.

The Fifth District of Coffee, Ware, and Clinch.

The Sixth District of Echols, Lowndes, and Berrien.

The Seventh District of Brooks, Thomas, and Colquitt.

The Eighth District of Decatur, Mitchell, and Miller.



The Ninth District of Early, Calhoun, and Baker.

The Tenth District of Dougherty, Lee, and Worth.

The Eleventh District of Clay, Randolph, and Terrell.

The Twelfth District of Stewart, Webster, and Quitman.

The Thirteenth District of Sumter, Schley, and Macon.

The Fourteenth District of Dooly, Wilcox, and Pulaski.

The Fifteenth District of Montgomery, Telfair, and Irwin.

The Sixteenth District of Laurens, Johnson, and Emanuel.

The Seventeenth District of Bulloch, Screven, and Burke.

The Eighteenth District of Richmond, Glascock, and Jefferson.

The Nineteenth District of Taliaferro, Warren, and Green.

The Twentieth District of Baldwin, Hancock, and Washington.

The Twenty-first District of Twiggs, Wilkinson, and Jones.

The Twenty-second District of Bibb, Monroe, and Pike.

The Twenty-third District of Houston, Crawford, and Taylor.



The Twenty-fourth District of Marion, Chattahoochee, and Muscogee.

The Twenty-fifth District of Harris, Upson,, and Talbot.

The Twenty-sixth District of Spalding, Butts, and Fayette.

The Twenty-seventh District of Newton, Walton, and Clarke.

The Twenty-eighth District of Jasper, Putnam, and Morgan.

The Twenty-ninth District of Wilkes, Lincoln, and Columbia.

The Thirtieth District of Oglethorpe, Madison, and Elbert.

The Thirty-first District of Hart, Franklin, and Habersham.

The Thirty-second District of White, Lumpkin, and Dawson.

The Thirty-third District of Hall, Banks, and Jackson.

The Thirty-fourth District of Gwinnett, DeKalb, and Henry.

The Thirty-fifth District of Clayton, Fulton, and Cobb.

The Thirty-sixth District of Meriwether, Coweta, and Campbell.

The Thirty-seventh District of Troup, Heard, and Carroll.

The Thirty-eighth District of Haralson, Polk, and Paulding.



The Thirty-ninth District of Cherokee, Milton, and Forsyth.

The Fortieth District of Union, Towns, and Rabun.

The Forty-first District of Fannin, Gilmer, and Pickens.

The Forty-second District of Bartow, Floyd, and Chattooga.

The Forty-third District of Murray, Whitfield, and Gordon.

The Forty-fourth District of Walker, Dade, and Catoosa.

If a new county be established, it shall be added to a district which it adjoins, and from which the larger portion of its territory is taken. The Senatorial Districts may be changed by the General Assembly, but only at the first session after the taking of each census by the United States Government, and their number shall never be increased.

2. The Senators shall be citizens of the United States, who have attained the age of thirty years, and who have been citizens of this State for two years, and for one year residents of the Districts from which elected.

3. The presiding officer of the Senate shall be styled the President, and shall be elected *viva voce* from the Senators elect.

4. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the members shall be on oath or affirmation, and shall be presided over by one of the Judges of the Supreme Court, selected for that purpose by a *viva voce* of the Senate; and no



person shall be convicted without the concurrence of two-thirds of the members present. Judgments in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust or profit within this State, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

### SECTION III.

1. The House of Representatives shall consist of one hundred and seventy-five Representatives, appointed as follows: to the six largest Counties, to-wit: Chatham, Richmond, Fulton, Bibb, Houston and Burke, three Representatives each; to the thirty-one next largest, to-wit: Bartow, Columbia, Cobb, Coweta, Clark, Decatur, Dougherty, Floyd, Gwinnett, Green, Hancock, Harris, Jefferson, Lee, Muscogee, Monroe, Meriwether, Morgan, Macon, Newton, Oglethorpe, Pulaski, Randolph, Sumter, Stewart, Troup, Thomas, Talbot, Washington, Wilkes, and Warren, two Representatives each; and to the remaining ninety-five counties one Representative each.

2. The above apportionment may be changed by the General Assembly after each census by the United States Government, but in no event shall the aggregate number of Representatives be increased.

3. The Representatives shall be citizens of the United States, who have attained the age of twenty-one years, and who, after the first election under this Constitution, shall have been citizens of this State for one year, and for six months residents of the counties from which elected.

4. The presiding officer of the House of Represen-



tatives shall be styled the Speaker, and shall be elected *viva voce* from the body.

The House of Representatives shall have the sole power to impeach all persons who shall have been or may be in office.

6. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

#### SECTION IV.

1. Each House shall be the judge of the election, returns, and qualifications of its members, and shall have power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled except by a vote of two-thirds of the House from which he is expelled.

2. Each House may punish by imprisonment, not extending beyond the session, any person not a member, who shall be guilty of contempt by any disorderly behavior in its presence, or who, during the session, shall threaten injury to the person or estate of any member for anything said or done in either House, or who shall assault any member going to or returning therefrom, or who shall rescue, or attempt to rescue, any person arrested by order of either House.

3. The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going to or returning therefrom, excepting for treason, felony, larceny, or breach of the peace; and no



member shall be liable to answer in any other place for anything spoken in debate in either House.

4. Each House shall keep a Journal of its proceedings, and publish them immediately after its adjournment. The yeas and nays of the members on any question shall, at the desire of one-fifth of the members present, be entered on the Journals. The original Journal shall be preserved, after publication, in the office of the Secretary of State; but there shall be no other record thereof.

5. Every bill, before it shall pass, shall be read three times, and on three separate and distinct days in each House, unless in cases of actual invasion or insurrection. Nor shall any law or ordinance pass which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

6. All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives; and no Bill, Ordinance, or Resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed during the same session under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

7. Neither House shall adjourn for more than three days, nor to any other place, without the consent of the other; and in case of disagreement between the two Houses on a question of adjournment, the Governor may adjourn either or both of them.

8. The officers of the two Houses, other than the President and Speaker, shall be a Secretary of the Sen-



ate and Clerk of the House, and an Assistant for each; a Journalizing Clerk, two Engrossing and two Enrolling Clerks for each House; and the number shall not be increased, except by a majority vote of the House. And their *per diem* pay, as well as the pay and mileage of the members, shall be fixed by law, in the passage of which a majority of the members of each House shall concur.

9. Whenever this Constitution requires a vote of two-thirds of either or both Houses for the passing of an Act or Resolution, the yeas and nays on the passage thereof shall be entered on the Journal or Journals. And all votes on confirmations or refusals to confirm nominations to office by the Governor shall be by yeas and nays; and the yeas and nays shall be recorded on the Journal.

10. Every Senator and Representative, before taking his seat, shall take an oath or affirmation to support the Constitution of the United States and of this State; that he has not practiced any unlawful means, directly or indirectly, to procure his election, and that he has not given, or offered, or promised, to any person, any money, treat, or thing of value, with intent to effect any vote, or to prevent any person voting at the election at which he was elected.

## SECTION V.

1. The General Assembly shall have power to make all laws and ordinances, consistent with this Constitution and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.



2. The General Assembly may alter the boundaries of, or lay off and establish new counties, or abolish counties, attaching the territory thereof to contiguous counties; but no new counties shall be established but by a vote of two-thirds of each House, nor shall any county be abolished except by a vote of two-thirds of each House, and after the qualified voters of the county shall, at an election held for the purpose, so desire.

## SECTION VI.

1. No money shall be drawn from the Treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published from time to time, and with the laws passed by each session of the General Assembly

2. No vote, resolution, law, or order shall pass, granting a donation or gratuity in favor of any person, except by the concurrence of two-thirds of each branch of the General Assembly, nor to any sectarian corporation or association at all.

3. No law or section of the Code shall be amended or repealed by mere reference to its title or to the number of the section in the Code, but the amending or repealing act shall distinctly and fully describe the law to be amended or repealed, as well as the alteration to be made; but this clause shall be construed as directory, only, to the General Assembly.

No law shall be passed by which a citizen shall be compelled, against his consent, directly or indirectly, to become a stockholder in, or contribute to any railroad or



work of public improvement, except in the case of the inhabitants of a corporate town or city. In such cases the General Assembly may permit the corporate authorities to take such stock, or make such contribution, or engage in such work, after a majority of the qualified voters of such town or city voting at said election shall, at any election held for the purpose, have voted in favor of same, but not otherwise.

5. The General Assembly shall have no power to grant corporate powers and privileges to private Companies, except to Banking, Insurance, Railroad, Canal, Navigation, Mining, Express, Lumber, Manufacturing, and Telegraph Companies; nor to make or change election precincts; nor to establish Bridges and Ferries; nor to change names of legitimate children; but it shall prescribe, by law, the manner in which such powers shall be exercised by the Courts. But no charter for any Banks shall be granted or extended, and no act passed authorizing the suspension of specie payments by any Bank, except by a vote of two-thirds of the General Assembly. The General Assembly shall pass no law making the State a stockholder in any corporate Company; nor shall the credit of the State be granted or loaned to aid any Company without the concurrence of a majority of both Houses, nor without a provision that the whole property of the Company shall be bound for the security of the State prior to any other debt or lien, except as to laborers; nor to any company in which there is not already an equal amount invested by private persons; nor for any other object than a work of public improvement. The General Assembly shall provide adequate penalties to prohibit the sale of Lottery Tickets in this State. No provision in this Constitution for a two-thirds vote of both



Houses of the General Assembly shall be construed to waive the necessity of the signature of the Governor, as in any other cases, except in the case of the two-third vote required to override the veto.

On motion of Mr. Hopkins, the Rule was suspended, when he offered the following Resolution :

WHEREAS, Georgia was thrown out of her orbit on the 19th day of January, 1861, upon a principle which many of her ablest statesmen believe to be constitutional and right; but it has been clearly demonstrated, after a prolonged and sanguinary struggle, that, however correct the principle, in their judgment, they have failed to establish it; and, whereas, it is our policy to close the breach which now divides us into two hostile political parties, by mutual forbearance and concessions, by recognizing all who assist us in the great work of reconstruction as friends and faithful allies. Be it, therefore,

*Resolved*, That the Governor of this State shall, immediately after the ratification of the Constitution which will be submitted to her people by this Convention, cause the names of all such persons to be transmitted to Congress, and, in the name of Georgia, request them to remove all their disabilities.

The foregoing Resolution was taken up, read, and offered to the Special Committee of seven, heretofore appointed on a similar subject.

On motion of Mr. Turner, the Rule was suspended, when he offered the following Resolution, which was taken up and agreed to, to-wit :

WHEREAS, Charles Patterson has acted as Porter to this body since the commencement of our session, and



should be continued in the performance of those duties heretofore rendered—

*Resolved*, That said Charles Patterson is hereby recognized as Porter to this Convention, and that his duties be in the future as in the past; making fires, bringing water, sweeping and keeping in order the Hall used by the Convention, and that he shall receive therefor the sum of five dollars per day, out of which he shall pay for such assistance as he may employ.

On motion of Mr. Speer, the Rule was suspended for the introduction of the following Resolution, to-wit:

*Resolved*, That the Disbursing Officer of this Convention be authorized and directed to pay to Patrick Fitzgibbon, Sr., twenty-seven dollars for three days' service as Messenger for this Convention.

Mr. Harris, of Newton, proposed to amend the foregoing by providing pay for Harry Camp, on account of certain services rendered.

The same was referred under the following Resolution of Mr. Smith, of Coweta, which was agreed to:

*Resolved*, That a Committee of three be appointed to investigate the claims of all who present accounts against this Convention, and report the same to this body.

The President, under this Resolution, appointed Messrs. Smith of Coweta, Dunnegan, and Ellington.

General Ruger, Provisional Governor of this State, and Capt. Rockwell, Provisional Treasurer, were received at the door of the Hall, and conducted by the Special Committee appointed for this purpose to the President's desk, and were introduced to the Convention by the President.



On motion of Mr. Saffold, the Convention took a recess for fifteen minutes, to give members an opportunity of personal presentation to, and intercourse with, the honorable gentlemen mentioned.

The recess having expired, the President called the Convention to order.

On motion of Mr. Akerman, the report of the Committee on the Judiciary Department was taken up.

On motion of Mr. Bell, of Banks, it was decided to consider the same by sections and paragraphs.

Mr. Bell, of Banks, moved to amend the first paragraph of the first section by striking out from the first line thereof the words "County Courts."

Pending action on the first paragraph and first section with the proposed amendment, a motion was made to adjourn, which was lost.

Mr. Saffold moved a suspension of the Rule for the introduction of a Resolution regulating the hours of meeting and adjournment, providing therein for afternoon sessions.

The Rule was not suspended.

The Convention then, on motion, adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Friday, February 21, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.



Mr. Prince gave notice that he would move a reconsideration of so much thereof as relates to the adoption, on yesterday, of the report of the Special Committee, to whom were referred the second and third sections of the report of the Committee on Legislative Department.

Leave of absence was granted Messrs. Jones, Saulter, Bedford, and Harrison of Hancock.

On motion of Mr. Akerman, the Rule was suspended, when he offered the following Resolution, which was agreed to, to-wit:

*Resolved*, That the Committee on Finance be instructed to inquire and report what will be a suitable compensation to the Honorable N. L. Angier, for his services as Disbursing Agent of the Convention.

Mr. Miller moved a suspension of the Rule, for the introduction of the following Resolution, from the Committee on Revision, to-wit:

*Resolved*, That the Judiciary Committee be instructed to report an article, to form a part of the Constitution, declaring the gradation of the laws, and the force and effect of the Acts of the Legislature, and judgments of the Courts sitting in this State since 19th January, 1861, and the status of the rights which have grown up under said laws and judgments.

The Rule was suspended, the Resolution taken up and agreed to.

Mr. Conley offered the following Ordinance, which was read and referred to the Committee on the Judiciary Department:

An Ordinance to declare valid certain Acts and ap-



pointments therein mentioned, and thereby prevent litigation.

On motion of Mr. Miller, Mr. Bigby was added to the Judiciary Committee.

On motion of Mr. Whiteley, Mr. Bryant and Mr. Harris, of Newton, were, also, added to said Committee.

On motion of Mr. Ashburn, the Rule was suspended, when he offered the following Resolution, to-wit:

*Resolved*, That a Committee of seven be appointed by the President, whose duty shall be to report to this Convention a basis of Congressional representation for the State.

Mr. Blodgett offered the following, as a substitute, which was accepted by Mr. Ashburn, to-wit:

*Resolved*, That a Committee of seven be appointed by the President, to lay off and define the Congressional Districts of Georgia, and report to this Convention.

Mr. Speer moved to amend, by adding, "and upon this Committee shall be no aspirant for Congressional honors."

On motion of Mr. Blodgett, the substitute and amendment were referred to the Committee on Franchise.

The motion of Mr. Prince, to reconsider, was taken up, and the yeas and nays required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,  
Akerman,  
Alexander,  
Anderson,

Angier,  
Ashburn,  
Beaird,  
Baldwin,



Bell of Oglethorpe,	Lumpkin,
Blodgett,	Madden,
Blount,	McHan,
Bryant,	McCay,
Bullock,	Moore of Columbia,
Campbell,	Murphy,
Carson,	Neal,
Casey,	Noble,
Caldwell,	Palmer,
Chatters,	Pope,
Cobb of Houston,	Prince,
Costin,	Reynolds,
Conley,	Rice,
Crawford,	Rozar,
Crayton,	Saffold,
Crumley,	Sikes,
Cotting,	Shields,
Dailey,	Seeley,
Dinkins,	Speer,
Dunning,	Stewart,
Edwards,	Supple,
Ellington,	Stone,
Gilbert,	Strickland,
Golden,	Turner,
Guilford,	Walton,
Higbee	Wallace,
Hopkins,	Welch,
Jackson,	Whitaker,
Joiner,	Whitehead of Burke,
Jones,	Whitehead of Butts,
Jordan,	Whiteley,
Linder,	Williams.

Those who voted in the negative, are Messrs.

Bell of Banks,	Brown,
Bowden of Campbell,	Bracewell,
Bowers,	Bryson,
Bigby,	Buchan,



Burnett,	King,
Cameron,	Knox,
Crane,	Lee,
Dunnegan,	Lott,
Fields,	Maddox,
Fort,	Mathews,
Foster of Paulding,	Martin of Carroll,
Goodwin,	Martin of Calhoun,
Harris of Newton,	Martin of Habersham,
Harrison of Carroll,	Miller,
Higden,	Moore of White,
Hotchkiss,	Saulter,
Houston,	Smith of Coweta,
Holcombe,	Smith of Thomas,
Hooks,	Shropshire,
Howe,	Shumate,
Hudson,	Trammell,
Hutcheson,	Trawick,
Key,	Woodey.

There are yeas, 72; nays, 46. So the motion to reconsider prevailed.

On motion of Mr. McCay, the report of the Committee on Legislative Department was taken up.

Mr. McCay proposed to amend as follows: In the second section, paragraph 2d, insert after the word "who," in the third line, the words "after the first election under this Constitution, shall;" after the word "who," in the third section and third paragraph, insert the same words.

Mr. Bryant proposed to amend the second paragraph of the second section, by striking out "thirty" and inserting "twenty-five;" and the third paragraph of the third section, by striking out "twenty-five;" and inserting "twenty-one."



Mr. Blodgett called for the previous question, which was sustained.

The proposed amendment of Mr. Bryant was first submitted, and upon this the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Golden,
Akerman,	Guilford,
Alexander,	Higbee,
Anderson,	Hopkins,
Angier,	Jackson,
Ashburn,	Joiner,
Beaird,	Jones,
Baldwin,	Jordan,
Bell of Oglethorpe,	Linder,
Bowers,	Lumpkin,
Blodgett,	Madden,
Bigby,	Mathews,
Bryant,	McHan,
Bryson,	McCay,
Bullock,	Moore of Columbia,
Campbell,	Murphy,
Casey,	Neal,
Caldwell,	Noble,
Chatters,	Palmer,
Cobb of Houston,	Pope,
Costin,	Prince,
Crayton,	Reynolds,
Crumley,	Rice
Cotting,	Rozar,
Dailey,	Saffold,
Dinkins,	Sikes,
Dunning,	Shields,
Edwards,	Seeley,
Ellington,	Speer,
Goodwin,	Stewart,



Supple,  
Stone,  
Strickland,  
Turner,  
Walton,  
Wallace,

Welch,  
Whitaker,  
Whitehead of Burke,  
Whitehead of Butts,  
Williams.

Those who voted in the negative, are Messrs.

Bell of Banks,  
Bowden of Campbell,  
Blount,  
Brown,  
Bracewell,  
Buchan,  
Burnett,  
Carson,  
Cameron,  
Conley,  
Crane,  
Crawford,  
Dunnegan,  
Fields,  
Fort,  
Foster of Paulding,  
Gilbert,  
Harris of Newton,  
Harrison of Carroll,  
Higden,  
Hotchkiss,  
Houston,  
Holcombe,  
Hooks,

Howe,  
Hudson,  
Hutcheson,  
Key,  
King,  
Knox,  
Lee,  
Lott,  
Maddox,  
Martin of Carroll,  
Martin of Calhoun,  
Martin of Habersham,  
Miller,  
Moore of White,  
Robertson,  
Saulter,  
Smith of Coweta,  
Smith of Thomas,  
Shropshire,  
Shumate,  
Trammell,  
Trawick,  
Whiteley,  
Woodey.

There are yeas, 71; nays, 48. So the amendment was received.

The amendment of Mr. McCay was then submitted, and upon this proposition, the yeas and nays also were required to be recorded.



Those who voted in the affirmative, are Messrs.

Adkins,	Joiner,
Akerman,	Jones,
Alexander,	Knox,
Anderson,	Linder,
Angier,	Lumpkin,
Ashburn,	Madden,
Beaird,	McHan,
Baldwin,	McCay,
Bell of Oglethorpe,	Moore of Columbia,
Bowers,	Murphy,
Blodgett,	Neal,
Bryant,	Noble,
Brown,	Palmer,
Bullock,	Pope,
Campbell,	Prince,
Carson,	Reynolds,
Casey,	Rice,
Caldwell,	Rozar,
Chatters,	Saffold,
Claiborne,	Saulter,
Cobb of Houston,	Sikes,
Costin,	Shields,
Conley,	Seeley,
Crayton,	Stewart,
Crumley,	Supple,
Cotting,	Stone,
Dailey,	Strickland,
Dinkins,	Traywick,
Dunning,	Turner,
Edwards,	Walton,
Ellington,	Wallace,
Goodwin,	Welch,
Golden,	Whitaker,
Guilford,	Whitehead of Burke,
Higbee,	Whitehead of Butts,
Hopkins,	Whiteley,
Jackson,	Williams.



Those who voted in the negative, are Messrs.

Bell of Banks,	Hudson,
Bigby,	Hutcheson,
Blount,	Jordan,
Bracewell,	Key,
Bryson,	King,
Burnett,	Lee,
Cameron,	Lott,
Crane,	Maddox,
Crawford,	Mathews,
Dunnegan,	Martin of Carroll,
Fields,	Martin of Calhoun,
Foster of Paulding,	Martin of Habersham,
Gilbert,	Miller,
Harris of Newton,	Moore of White,
Harrison of Carroll,	Robertson,
Higden,	Smith of Coweta,
Hotchkiss,	Smith of Thomas,
Houston,	Shropshire,
Holcombe,	Shumate,
Hooks,	Trammell,
Howe,	Woodey,

There are yeas, 74; nays, 42. So the amendment of Mr. McCay was received, and the second paragraph of the second section, and the third paragraph of the third section, as amended, are as follows, to-wit:

Sec. 2, Par. 2. The Senators shall be citizens of the United States, who have attained the age of twenty-five years, and who, after the first election under this Constitution, shall have been citizens of this State for two years, and for one year a resident of the District from which elected.

Sec. 3, Par. 3. The Representatives shall be citizens of the United States, who have attained the age of twenty-one years, and who, after the first election under this Con-



stitution, shall have been citizens of this State for one year, and for six months residents of the Counties from which elected.

The report of the Committee, as amended, was adopted.

Mr. Dunning moved a suspension of the Rule, for the purpose of offering the following, as an independent article, to form a part of the Constitution, to-wit:

The Capitol of this State shall be removed from Milledgeville and located at the City of Atlanta, and the succeeding Legislatures shall provide for the erection of a new State House, and other buildings which the public interests may require.

Mr. Cotting called for the previous question, which was sustained, on the motion to suspend the Rule.

The main question being put, the yeas and nays were required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Angier,	Caldwell,
Ashburn,	Christian of Newton,
Baldwin,	Chatters,
Bell of Banks,	Costin,
Blodgett,	Crane,
Bigby,	Crawford,
Brown,	Dunning,
Bracewell,	Dunnegan,
Bryson,	Edwards,
Bullock,	Fields,
Burnett,	Flynn,
Campbell,	Foster of Paulding,
Carson,	Goodwin,
Casey,	Golden,



Guilford,	Maddox,
Harland,	Mathews,
Harrison of Carroll,	Martin of Carroll,
Higbee,	Miller,
Hotchkiss,	Murphy,
Houston,	Noble,
Holcombe,	Reynolds,
Hopkins,	Rozar,
Howe,	Sikes,
Hutcheson,	Smith of Coweta,
Jackson,	Shumate,
Joiner,	Stewart,
Jones,	Strickland,
Jordan,	Trammell,
Key,	Welch,
King,	Whitaker,
Lee,	Woodey.
Lott,	

Those who voted in the negative, are Messrs.

Adkins,	Higden,
Akerman,	Hooks,
Alexander,	Hudson,
Anderson,	Knox,
Beaird,	Linder,
Bell of Oglethorpe,	Lumpkin,
Bowers,	Martin of Habersham,
Blount,	McHan,
Bryant,	McCay,
Buchan,	Moore of White,
Cameron,	Moore of Columbia,
Claiborne,	Neal,
Cobb of Houston,	Palmer,
Crayton,	Pope,
Cotting,	Prince,
Dinkins,	Rice,
Ellington,	Robertson,
Fort,	Saffold,
Gilbert,	Saulter,



Shields,	Walton,
Smith of Thomas,	Wallace.
Speer,	Williams.
Shropshire,	Whitely,
Stone,	Whitehead of Burke,
Turner,	

There are yeas, 63; nays, 49. There being less than two-thirds voting in the affirmative, the motion to suspend the Rule did not prevail.

The consideration of the unfinished business of yesterday was resumed, to-wit: The report of the Committee on Judiciary Department, the first paragraph of the first section thereof being first in order, to which the amendment of Mr. Bell, of Banks, to strike out the words "County Courts," was pending.

Mr. Trammell proposed to amend as follows: Add to the paragraph, "but the General Assembly may, in case the qualified voters of any County shall, at an election held for the purpose, so desire, abolish said Courts and transfer their jurisdiction to the Superior Courts, or such other tribunal as it may provide."

The previous question was called for by Mr. Whiteley, and sustained.

The amendment of Mr. Trammell was lost.

The amendment of Mr. Bell, of Banks, to strike out "County Courts," was received, and the 1st paragraph of the first section adopted, as amended.

Mr. Harris, of Newton, moved to amend the second paragraph of the first section, by striking out the words "four," "eight" and "twelve," and inserting in lieu thereof the words "two," "four" and "six."



Mr. Blodgett called for the previous question, which was sustained.

The main question was put, and the amendment of Mr. Harris of Newton, was lost.

The second paragraph of the first section was then adopted without amendment; and,

On motion of Mr. Prince, the Convention adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Saturday, February 22, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Young.

The Journal was read.

Mr. Shropshire gave notice that he should move a reconsideration of so much thereof as relates to the adoption, on yesterday, of certain amendments to the report of the Special Committee to whom was referred the second and third sections of the report on Legislative Department.

Mr. Miller gave notice that he should move a reconsideration of so much of the Journal as relates to the amendment of the first paragraph of the first section of the report of the Committee on the Judiciary Department, in striking therefrom the words "County Courts."

Mr. McCay gave notice that he should move a reconsideration of the action of the Convention in rejecting, on yesterday, the amendment proposed by Mr. Trammell, as an addition to the first paragraph of the first section of the report of the Committee on Judiciary Department.



Leave of absence was granted Mr. Bowden, of Campbell, on account of sickness, and to Mr. Shumate, after Monday next, for two days.

Pending action on the foregoing motions to reconsider, the Convention, on motion of Mr. Speer, adjourned, in commemoration of the birth of George Washington, and was declared, by the President, adjourned until 9½ o'clock a. m., Monday.

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ATLANTA, GA., Monday, February 24, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The motion of Mr. Shropshire to reconsider so much of the Journal of Friday as relates to the adoption of the amendment of Mr. McCay to the second paragraph of the second section, and the third paragraph of the third section, of the amended report of the Committee on Legislative Department, was taken up.

Mr. Bryant rose to a point of order, assuming that the reconsideration of an amendment to the report was a reconsideration of the report itself, and as this was done on Friday last, the present motion to reconsider was inadmissible, under the Rules adopted by the Convention.

The point of order was sustained by the President *pro tem.*, and the motion for reconsideration was, consequently out of order.

On motion of Mr. Blodgett, the Rule was suspended,



for the introduction, by Mr. Whiteley, of the following Resolution, which was taken up, to-wit:

*Resolved*, That the Judiciary Committee be, and they are hereby, instructed to report to the Convention, at an early day, an Ordinance declaratory of the qualification of Members of the General Assembly, at the first session thereof under the Constitution, being adopted by this body, and that the qualification aforesaid shall be as follows:

The Senators and Representatives shall be citizens of the United States, who have attained, in the case of the former, to twenty-five years of age, and in the latter to twenty-one years of age, and who have been inhabitants of the State of Georgia for a period of six months, and residents of the District or County from which elected for three months immediately preceding the election.

Mr. Bell, of Banks, moved to amend, by striking out the word "inhabitants" and inserting "citizens."

Mr. Blodgett moved to amend, by inserting ~~before~~ the word "citizens" the word "male." This motion was withdrawn by the mover.

Mr. Trammell moved to amend, by striking out all after the first clause.

This motion was lost.

On the question of adopting the amendment of Mr. Bell of Banks, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Bell of Banks,  
Bowden of Monroe,

Bryson,  
Burnett,



Cameron,	Hutcheson,
Crane,	Jordan,
Crawford,	Key,
Dews,	Knox,
Dunnegan,	Lee,
Fort,	Lott,
Foster of Paulding,	Maddox,
Gibson,	Martin of Carroll,
Goodwin,	Martin of Calhoun,
Gove,	Martin of Habersham,
Griffin,	McHan,
Harland,	Miller,
Harrison of Carroll,	McWhorter,
Higden,	Moore of White,
Hotchkiss,	Smith of Coweta,
Houston,	Smith of Thomas,
Holcombe,	Shropshire,
Hooks,	Trammell,
Howe,	Trawick,
Hudson,	Woodey.

Those who voted in the negative, are Messrs.

Akerman,	Chatters,
Alexander,	Claiborne,
Anderson,	Chambers,
Angier,	Cobb of Houston,
Ashburn,	Costin,
Beaird,	Conley,
Baldwin,	Crayton,
Blodgett,	Crumley,
Blount,	Dinkins,
Bryant,	Dunning,
Buchan,	Edwards,
Bullock,	Golden,
Campbell,	Guildford,
Carson,	Higbee,
Casey,	Hopkins,
Caldwell,	Jackson,
Clift,	Joiner,



Lumpkin,	Speer,
Madden,	Stewart,
Minor,	Supple,
Moore of Columbia,	Sanley,
Murphy,	Stone,
Noble,	Strickland.
Palmer,	Turner,
Pope,	Walton,
Potts,	Wallace,
Prince,	Whitaker,
Rice,	Whitehead of Burke,
Rozar,	Whitehead of Butts,
Robertson,	Whiteley,
Sikes,	Williams.
Seeley,	

There are yeas, 44; nays, 63. So the motion to strike out the word "inhabitants" and insert "citizens" was lost.

The Resolution was adopted without amendment.

The motion of Mr. Miller, to reconsider the action of the Convention in striking out, on Friday, the words "County Courts" from the first paragraph of the first section of the report of the Committee on the Judiciary Department, was taken up.

Upon this proposition the previous question was called for, but not sustained.

After discussion, the call for the previous question was renewed by Mr. Hopkins, and sustained.

The main question was put, and the motion to reconsider was lost.

On motion of Mr. Holcombe, the Rule was suspended,



and the following Resolution was offered by Mr. Maddox, and taken up, to-wit:

*Resolved*, That the roll of the members shall be called every morning before the reading of the Journal, and that the Clerk shall mark the absentees.

*Resolved, further*, That no member of this Convention shall, while absent on his own business, receive any pay *per diem*, sickness and other Providential causes, alone, excepted.

Mr. Blodgett moved to lay the Resolution on the table, and to discharge the Special Committee.

This motion was withdrawn by the mover.

Mr. Speer offered the following, as a substitute, to-wit:

*Resolved*, That the Auditing Committee be requested and directed, in auditing accounts of members of the Convention, to require each member to give the number of days that he has served as a delegate, which shall not include the time said delegate has been absent without leave; and each delegate shall certify, upon honor, the actual number of days that he has served in the Convention.

Mr. Blodgett moved to lay the Resolution and substitute on the table.

Mr. Blount moved to amend, by providing that no member shall be allowed pay, except for the days that he actually serves. Mr. Angier proposed to amend by providing that any member on leave of absence, without time stated, shall not receive pay for more than five days' absence.



Mr. Ashburn offered the following as a substitute for the subject-matter pending, to-wit:

*Resolved*, That no delegate shall receive his mileage, nor *per diem*, except for the time actually served, unless he has been excused by this Convention on account of sickness.

On motion of Mr. Bryant, the whole subject-matter was referred to a Special Committee of seven, composed of one from each Congressional District.

The President announced the following as said Committee, to-wit: Messrs. Bryant, Cameron, Whiteley, Ashburn, Griffin, Martin, of Habersham, and Miller.

On motion of Mr. Holcombe, the first Special Committee on this subject was discharged.

Leave of absence was granted Messrs. Welch, Sikes, Ellington, Christian of Newton, Linder and Powell, on account of sickness.

The special order of the day was taken up, to-wit: the report of the Special Committee on the subject of homestead, which is as follows:

Your Committee, to whom was referred the duty of preparing a substitute for the thirty-second section of the Bill of Rights, as presented to this body, beg leave to submit the following:

Each head of a family, or guardian, or trustee of a family of minor children, shall be entitled to a homestead of realty, to the value of twenty-five hundred dollars in specie, and personal property to the value of two thousand dollars in specie, both to be valued at the time they are set apart. And no Court or ministerial officer



of this State shall ever have jurisdiction or authority to enforce any judgment, *fi. fa.*, decree, or execution, against said property so set apart, except for taxes and money borrowed of Building and Loan Associations for improving the homestead: And it shall be the duty of the General Assembly, as early as practicable, to provide, by law, for the setting apart and valuation of said property, and to enact adequate laws for the full and complete protection and security of the same, to the sole use and behoof of said families as aforesaid. All property of the wife in her possession at the time of her marriage, and all the property given to, inherited or acquired by her, shall remain her separate property, and not liable for the debts of her husband.

Mr. Murphy offered to amend, by adding the following, to-wit:

But no homestead or other property shall be exempt from levy and sale for labor performed on the same, and there shall be no stay law passed by the Legislature of this State, staying the collection of debts, where the contract was for labor performed, for a longer time than thirty days.

Mr. Caldwell moved to amend, by inserting after the word "homestead," in the sixth line, the words "and for services rendered for the benefit of the owner or his family."

Pending discussion on the foregoing report and proposed amendments, Mr. Miller having the floor.

The Convention adjourned until 9½ o'clock a. m., to-morrow.



ATLANTA, GA., Tuesday, February 25, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The following communication, on the Secretary's desk, was read, together with the accompanying order, to-wit:

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dept. of Georgia, Florida, and Alabama),

ATLANTA, GA., Feb. 22, 1868.

P. M. Sheibley, Esq., Secretary Georgia Constitutional Convention:

SIR—I am instructed by Major-General Meade to acknowledge the receipt of your letter of the 15th instant, enclosing a transcript from the Journal of the Constitutional Convention for that day, for which favor you will please accept the General's thanks.

Very respectfully, your obedient servant,

R. C. DRUM,

Assistant Adjutant General.

HEADQUARTERS THIRD MILITARY DISTRICT.  
(Dept. Georgia, Florida, and Alabama),

ATLANTA, GA., Feb. 22, 1868.

*General Orders*, No. 27.

1. The Constitutional Convention of the State of Georgia, now in session in the City of Atlanta, adopted



on the 19th day of February, 1868, the following preamble and Resolutions:

WHEREAS, the Convention has determined that there shall be no imprisonment for debt in this State, and whereas, creditors are oppressing debtors, by the use of what is known as "bail process" and writ of *ca. sa.*, Therefore,

*Resolved*, That, in the opinion of this Convention, said proceedings are contrary to the wish of the people of this State.

*Resolved*, That the General Commanding this District is hereby requested to protect, by order, the people of this State from the evil above set forth, and that such order remain in force until such time as the people have expressed their will in regard to the Constitution.

II *Therefore*, By virtue of the plenary powers vested by the Reconstruction Acts of Congress in the Commanding General of the Third Military District, and for the purpose of giving effect to the wishes of the people of Georgia, as expressed by their delegates in Convention, it is ordered: That imprisonment for debt is prohibited in the State of Georgia, and hereafter no bail process in civil cases, or writ of *ca. sa.*, shall be issued out of any of the Courts of this State.

III. Every person now in prison in this State, under any such process or writ, will be immediately discharged from prison.

IV. This order to remain in force until the people of Georgia shall express their will in the manner provided by the Acts of Congress, in regard to the Constitution to be submitted to them by the said Constitutional Con-



vention, or until further orders from these Headquarters.

By order of Major-General MEADE.

R. C. DRUM,

Assistant Adjutant General.

Mr. Akerman, from the Judiciary Committee, made the following report, to-wit:

Under instructions from the Convention, the Committee on the Judiciary Department report the following Ordinance:

AN ORDINANCE declaratory of the qualification of members of the General Assembly, to be chosen at the first election held under the Constitution framed by this Convention.

*Be it ordained by the people of Georgia, in Convention assembled,* That the persons eligible as members of the General Assembly at the first election held under the Constitution framed by this Convention, shall be citizens of the United States, who shall have been inhabitants of this State for six months, and of the District or County for which they shall be elected for three months next preceding such election, and who, in the case of Senators, shall have attained the age of twenty-five years, and in the case of Representatives the age of twenty-one years at the time of such election.

The foregoing Ordinance is not reported as the recommendation of the Committee, but simply in execution of the instructions of the Convention in the Resolution passed yesterday.

For the Committee,

A. T. AKERMAN, Chairman.



The unfinished business of yesterday was resumed, to-wit: the report of the Special Committee on the subject of Homestead, to which an amendment by Mr. Murphy, and an amendment by Mr. Caldwell, were pending.

Mr. Angier in the Chair.

The amendment of Mr. Caldwell was withdrawn in favor of the following, which was proposed by Mr. Miller, to-wit: Insert after the word "taxes" the words "for the purchase money of the property set apart, for money loaned for the improvement of the homestead, and for the wages of laborers employed thereon;" and strike out the following: "Money borrowed of Building and Loan Associations for improving the homestead."

Mr. Bell, of Banks, moved the debate now cease on the pending propositions.

Mr. Conley moved to amend by providing that debate cease at 2 o'clock p. m., this day.

Mr. Bell withdrew his motion.

Mr. Crane moved to lay the whole subject-matter on the table.

On motion of Mr. Blodgett, it was ordered that debate on the pending propositions immediately cease.

Mr. Murphy, by consent, withdrew his amendment in favor of a substitute by Mr. McCay.

The motion of Mr. Crane to lay the whole subject-matter on the table was submitted, and upon this the yeas and nays were required to be recorded.



Those voting in the affirmative, are Messrs.

Akerman,	Holcombe,
Angier,	Hutcheson,
Ashburn,	Knox,
Baldwin,	Lott,
Bowers,	Maddox,
Bracewell,	Mathews,
Bryson,	Martin of Carroll,
Cameron,	Martin of Calhoun,
Costin,	Martin of Habersham,
Crane,	McHan,
Crawford,	Moore of White,
Crumley,	Saffold,
Dailey,	Smith of Thomas,
Dunnegan,	Shropshire,
Foster of Paulding,	Supple,
Guilford,	Stanley,
Harrison of Carroll,	Turner,
Higbee,	Wallace,
Higden,	Woodey.
Houston,	

Those who voted in the negative, are Messrs.

Alexander,	Claiborne,
Anderson,	Chambers,
Beaird,	Cooper,
Bell of Banks,	Cobb of Houston,
Bowden of Monroe,	Conley,
Blodgett,	Crayton,
Bigby,	Davis,
Bryant,	Dews,
Brown,	Dinkins,
Buchan,	Dunning,
Bullock,	Edwards,
Campbell,	Fort,
Carson,	Gibson,
Casey,	Goodwin,
Chatters,	Gove,



Golden,	Murphy,
Griffin,	Noble,
Harris of Newton,	Palmer,
Harrison of Hancock,	Pope,
Hotchkiss,	Potts,
Hopkins,	Prince,
Hooks,	<b>Rice,</b>
Howe,	Robertson,
Hudson,	Smith of Coweta,
Jackson,	Speer,
Joiner,	Stewart,
Key,	Stone,
Lee,	Strickland,
Linder,	Trammell,
Lumpkin,	Trawick,
Madden,	Walton,
Maul,	Whitaker,
McCay,	Whitehead of Burke,
Minor,	Whitehead of Butts,
Miller,	Whiteley,
McWhorter,	Williams.
Moore of Columbia,	

There are yeas, 39; nays, 73. So the motion to lay on the table did not prevail.

Mr. McCay offered the following as a substitute for the report and proposed amendment, to take the place of the amendment offered by Mr. Murphy, and withdrawn by consent, to-wit:

The head of a family, and the guardian, or trustee of a family of minor children, shall hold free from levy and sales, by virtue of any process from any Court, founded on any debt heretofore contracted a homestead of realty of the value of one thousand dollars, and personal property of the value of five hundred dollars; and shall hold, exempt from levy and sale, by virtue of any process from



any Court, founded on any debts hereafter contracted, a homestead of realty of the value of two thousand dollars, and personal property of the value of one thousand dollars: Provided, that this exemption shall not apply to process for the purchase money of the same, or to money loaned, or labor and materials furnished to improve, or to remove incumbrances from the same; or for wages due to laborers working on said homestead.

Mr. Parrott offered the following as a substitute for the whole matter pending, to-wit:

Each head of a family in this State shall be entitled to a homestead of realty not exceeding one thousand dollars in value, to be valued, selected, and set apart as the General Assembly shall hereafter provide by law. Said homestead shall be exempt from levy and sale under any judgment, execution, order, or decree of any Court of this State, founded on any debt contracted after the said homestead shall have been set apart. It shall be the duty of the General Assembly to exempt such articles of personal property for each head of a family as the necessities of the people of this State may require.

The General Assembly, during the first session held under this Constitution, shall provide by law for the selecting, valueing, and setting apart of said homestead of realty.

Upon the question of adopting the substitute of Mr. Parrott, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,  
Angier,  
Beaird,

Bell of Banks,  
Bowers,  
Bigby,



Bracewell,	Knox,
Bryson,	Linder,
Cameron,	Maddox,
Claiborne,	Mathews,
Cobb of Houston,	Martin of Calhoun,
Costin,	Martin of Carroll,
Crane,	Martin of Habersham,
Crawford,	McHan,
Crumley,	Moore of White,
Dailey,	Palmer,
Dunning,	Rice,
Dunnegan,	Saffold,
Foster of Paulding,	Smith of Thomas,
Guilford,	Shropshire,
Harrison of Carroll,	Supple,
Harrison of Hancock,	Stanley,
Higbee,	Turner,
Higden,	Wallace,
Houston,	Whitehead of Burke,
Holcombe,	Woodey.
Hutcheson,	

Those who voted in the negative, are Messrs.

Alexander,	Casey.
Anderson,	Caldwell,
Ashburn,	Clift,
Baldwin,	Chatters,
Bell of Oglethorpe,	Chambers,
Bowden of Monroe,	Cooper,
Blodgett,	Conley,
Blount,	Crayton,
Bryant,	Davis,
Brown,	Dews,
Buchan,	Dinkins,
Bullock,	Edwards.
Burnett,	Fort,
Campbell,	Gibson.
Carson,	Goodwin.



Gove,	Moore of Columbia,
Golden,	Murphy,
Griffin,	Noble,
Harris of Newton,	Pope,
Hotchkiss,	Potts,
Hopkins,	Prince,
Hooks,	Robertson,
Howe,	Seeley,
Hudson,	Smith of Coweta,
Jackson,	Speer,
Joiner,	Stewart,
Key,	Stone,
Lee,	Strickland,
Lott,	Trammell,
Lumpkin,	Trawick,
Madden,	Walton,
Maull,	Waddell,
McCay,	Whitaker,
Minor,	Whitehead of Butts,
Miller,	Whiteley,
McWhorter,	Williams.

There are yeas, 47; nays, 72. So the motion to adopt the substitute of Mr. Parrott did not prevail.

Mr. Blodgett offered the following substitute for the report, and pending amendment and substitute, to-wit:

#### BILL OF RIGHTS.

Sec. 32. Each head of a family, or guardian, or trustee of a family of minor children, shall be entitled to a homestead of realty to the value of two thousand dollars in specie, and personal property to the value of one thousand dollars in specie—both to be valued at the time they are set apart. And no Court or ministerial officer in this State, shall ever have jurisdiction or authority to enforce any judgment, decree, or execution against said property so set apart, including such improvements as may be made



thereon from time to time, except for taxes, money borrowed and expended in the improvement of the homestead, or for the purchase money of the same, and for labor done thereon, or material furnished therefor, or removal of encumbrances. And it shall be the duty of the General Assembly, as early as practicable, to provide by law for the setting apart and valuation of said property, and to enact laws for the full and complete protection and security of the same, to the sole use and benefit of said families as aforesaid.

All property of the wife in her possession at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

Mr. Akerman proposed to amend the substitute of Mr. Blodgett by inserting after the word "apart," where it first occurs, the following:

Exempt from sale under any judgment, decree, or execution, founded on any debt contracted after such real or personal property shall be set apart.

Also by inserting the word "such" between the words "any" and "judgment."

Mr. Bryant proposed to amend said substitute of Mr. Blodgett by substituting "one thousand dollars" for "two thousand dollars."

Upon this proposition the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,  
Alexander,

Anderson,  
Angier,



Ashburn,	Joiner,
Baldwin,	Knox,
Bell of Banks,	Lott,
Bowers.	Lumpkin,
Bigby,	Madden,
Bryant,	Maddox,
Brown,	Maull,
Bracewell,	Mathews,
Bryson,	Martin of Carroll,
Buchan,	Martin of Calhoun,
Campbell,	Martin of Habersham,
Carson,	McHan,
Cameron,	McCay,
Chatters,	Moore of White,
Claiborne,	Moore of Columbia,
Cooper,	Murphy,
Cobb of Houston,	Palmer,
Costin,	Pope,
Crane,	Prince,
Crawford,	Rice,
Crayton,	Rozar,
Dailey,	Saffold,
Davis,	Smith of Thomas,
Dinkins,	Shropshire,
Dunning,	Supple,
Dunnegan,	Stanley,
Guilford,	Stone,
Harrison of Carroll,	Strickland,
Harrison of Hancock,	Turner,
Higbee.	Wallace,
Higden.	Whitaker,
Houston.	Whitehead of Burke,
Holcombe,	Williams,
Hutcheson,	Woodey.
Jackson,	

Those who voted in the negative, are Messrs.

Beaird,	Bowden of Monroe,
Bell of Oglethorpe,	Blodgett,



Blount,	Key,
Bullock,	Lee,
Casey,	Linder,
Caldwell,	Minor,
Clift,	Miller,
Chambers,	McWhorter,
Conley,	Noble,
Dews,	Potts,
Edwards,	Robertson,
Fort,	Seeley,
Foster of Paulding,	Smith of Coweta,
Goodwin,	Speer,
Gove,	Stewart,
Golden,	Trammell,
Griffin,	Trawick,
Harris of Newton,	Walton,
Hotchkiss,	Waddell,
Hooks,	Whitehead of Butts,
Howe,	Whiteley.
Hudson,	

There are yeas, 73; nays, 43. So the amendment was received.

Mr. Akerman moved to amend further by striking out from said substitute, wherever it occurs, the word "specie," and inserting in lieu thereof "legal currency of the United States."

This amendment was withdrawn by the mover in favor of the following, proposed by Mr. McCay, to-wit: Strike out "one thousand dollars" where said words occur with reference to personalty, and insert in lieu thereof "five hundred dollars."

Mr. Prince moved that the whole subject-matter be laid on the table.

The motion did not prevail.



The amendment of Mr. McCay to strike out "one thousand dollars," where the same applies to personalty, was received.

Mr. Costin moved to strike out all after the enacting clause.

Mr. Blodgett moved to lay the whole subject-matter pending on the table.

This motion did not prevail.

Leave of absence was granted Mr. Gilbert on account of sickness.

Mr. Miller moved that the Convention adjourn, and upon this motion the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Angier,	Dews,
Ashburn,	Edwards,
Beaird,	Fort,
Bell of Oglethorpe,	Goodwin,
Bowden of Monroe,	Gove,
Blodgett,	Golden,
Blount,	Griffin,
Bryant,	Harris of Newton,
Bullock,	Harrison of Carroll,
Campbell,	Harrison of Hancock,
Carson,	Hooks,
Cameron,	Hotchkiss,
Casey,	Howe,
Caldwell,	Hudson,
Clift,	Key,
Chatters,	Knox,
Chambers,	Lee,
Cooper,	Mauil,
Davis,	Mathews,



Minor,	Smith of Coweta,
Miller,	Speer,
McWhorter,	Supple,
Moore of Columbia,	Trammell,
Noble,	Trawick,
Pope,	Walton,
Potts,	Waddell,
Rice,	Whitehead of Butts,
Saffold,	Whiteley.
Seeley,	

Those who voted in the negative, are Messrs.

Akerman,	Holcombe
Alexander,	Hutcheson,
Anderson,	Jackson,
Bell of Banks,	Joiner,
Bowers,	Linder,
Bigby,	Lott,
Brown,	Lumpkin
Bracewell,	Madden,
Bryson,	Maddox,
Buchan,	Martin of Carroll,
Claiborne,	Martin of Calhoun,
Cobb of Houston,	Martin of Habersham,
Costin,	McHan,
Conley,	McCay,
Crane,	Moore of White,
Crawford,	Murphy,
Crayton,	Palmer
Dailey,	Prince,
Dinkins,	Rozar,
Dunning,	Robertson,
Dunnegan,	Smith of Thomas,
Foster of Paulding,	Shropshire
Guilford,	Stewart,
Higbee,	Stanley,
Higden,	Stone,
Houston,	Turner,



Wallace  
Whitaker,  
Whitehead of Burke,

Williams,  
Woodey.

There are yeas, 57; nays, 57.

The President gave the casting vote in the affirmative, and the Convention was adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Wednesday, February 26, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Blodgett moved to reconsider so much of the Journal of yesterday as relates to the adoption of the amendment of Mr. Bryant, substituting "one thousand dollars" for "two thousand dollars," in the substitute of Mr. Blodgett on the subject of homestead.

Mr. Blount called for the previous question, which was sustained.

The main question was put, and the yeas and nays demanded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,  
Alexander,  
Bentley,  
Beaird,  
Bell of Oglethorpe,  
Bowden of Monroe,

Blodgett,  
Blount,  
Bryant,  
Brown,  
Buchan,  
Bullock,



Burnett,  
 Campbell,  
 Carson,  
 Cameron,  
 Casey,  
 Caldwell,  
 Clift,  
 Chatters,  
 Chambers,  
 Cooper,  
 Cobb of Houston,  
 Conley,  
 Crayton,  
 Cotting,  
 Davis,  
 Dews,  
 Dinkins,  
 Dunning,  
 Edwards,  
 Flynn,  
 Fort,  
 Gibson,  
 Goodwin,  
 Gove,  
 Golden,  
 Griffin,  
 Guilford,  
 Harris of Newton,  
 Hotchkiss,  
 Hopkins,  
 Hooks,  
 Howe,  
 Hudson,  
 Jackson,  
 Joiner,  
 Jordan,  
 Key,

King,  
 Knox,  
 Lee,  
 Linder,  
 Lumpkin,  
 Madden,  
 Maull,  
 McCay,  
 Minor,  
 Miller,  
 McWhorter,  
 Moore of Columbia,  
 Murphy,  
 Neal,  
 Noble,  
 Pope,  
 Potts,  
 Prince,  
 Reynolds,  
 Rice,  
 Rozar,  
 Robertson,  
 Sikes,  
 Shields,  
 Seeley,  
 Smith of Coweta,  
 Speer,  
 Shumate,  
 Stone,  
 Strickland,  
 Trammell,  
 Trawick,  
 Walton,  
 Waddell,  
 Whitaker,  
 Whitehead of Butts,  
 Whiteley.



Those who voted in the negative, are Messrs.

Akerman,	Houston,
Anderson,	Holcombe,
Angier,	Hutcheson,
Ashburn,	Maddox,
Bell of Banks,	Mathews,
Bowers,	Martin of Carroll,
Bigby,	Martin of Calhoun,
Bracewell,	Martin of Habersham,
Bryson,	McHan,
Claiborne,	Moore of White,
Costin,	Palmer,
Crane,	Saffold,
Crawford,	Smith of Thomas,
Crumley,	Shropshire,
Dailey,	Supple,
Dunnegan,	Turner,
Foster of Paulding,	Wallace,
Harrison of Carroll,	Whitehead of Burke,
Harrison of Hancock,	Williams,
Higbee,	Woodey.
Higden,	

There are yeas, 86; nays, 41. So the motion of Mr. Blodgett to reconsider, prevailed.

Mr. Seeley moved the reconsideration of so much of the Journal of yesterday as relates to the amendment of Mr. McCay, in striking out from the said substitute of Mr. Blodgett, "one thousand dollars," where it occurs with reference to the exemption of personalty, and inserting, in lieu thereof, "five hundred dollars."

The motion to reconsider prevailed.

The unfinished business of yesterday was resumed, to-wit: the report of the Special Committee on the subject of homestead, and proposed substitutes and amendments.



Mr. Bryant withdrew his amendment, which was this day reconsidered.

The amendment next in order being the reconsidered amendment of Mr. McCay, the yeas and nays were recorded on the question of agreeing to the same.

Those who voted in the affirmative, are Messers.

Adkins,	Hutcheson,
Akerman,	Knox,
Bell of Banks,	Lee,
Bowers,	Lott,
Bigby,	Maddox,
Bracewell,	Mathews,
Bryson,	Martin of Carroll,
Cameron,	Martin of Calhoun,
Claiborne,	Martin of Habersham,
Costin,	McHan,
Crane,	Moore of White,
Crawford,	Palmer,
Crumley,	Rozar,
Dunnegan,	Saffold,
Foster of Paulding,	Shields,
Guilford,	Smith of Thomas,
Harrison of Carroll,	Shropshire,
Harrison of Hancock,	Stewart,
Higbee,	Supple,
Higden,	Turner,
Houston,	Wallace,
Holcombe,	Woodey.

Those who voted in the negative, are Messrs.

Alexander,	Bell of Oglethorpe,
Anderson,	Bowden, of Monroe,
Angier,	Blodgett,
Ashburn,	Blount,
Bentley,	Bryant,
Beaird,	Brown,



Buchan,  
Bullock,  
Burnett,  
Campbell,  
Carson,  
Casey,  
Caldwell,  
Clift,  
Chatters,  
Chambers,  
Cooper,  
Cobb of Houston,  
Conley,  
Cotting,  
Dailey,  
Davis,  
Dews,  
Dinkins,  
Dunning,  
Edwards,  
Flynn,  
Fort,  
Gibson,  
Goodwin,  
Gove,  
Golden,  
Griffin,  
Harris of Newton,  
Hotchkiss,  
Hopkins,  
Hooks,  
Howe,  
Howe,  
Hudson,  
Jackson.  
Joiner,

Jordan,  
Key,  
King,  
Linder,  
Lumpkin,  
Madden,  
Maul,  
Minor,  
Miller,  
McWhorter,  
Moore of Columbia,  
Murphy,  
Neal,  
Noble,  
Pope,  
Potts,  
Prince,  
Reynolds,  
Rice,  
Robertson,  
Sikes,  
Seeley,  
Smith of Coweta,  
Speer,  
Shumate,  
Stone,  
Strickland,  
Trammell,  
Trawick,  
Walton,  
Waddell,  
Whitaker,  
Whitehead of Burke,  
Whitehead of Butts,  
Whiteley,  
Williams.

There are yeas, 44; nays, 83. So the amendment was lost.



Mr. Murphy moved to amend, by adding to the substitute of Mr. Blodgett the following: "But shall be subject to the exceptions as the homestead."

Mr. Trammell moved to amend the amendment, by adding the words "for contracts made by her."

The same was not received.

The question recurring upon the amendment of Mr. Murphy, said amendment was lost.

Mr. Madden proposed to amend the substitute of Mr. Blodgett, by adding the following at the end of the first paragraph, to-wit:

*Provided*, That under such exemption, so set apart for a homestead, there shall not be included more than two hundred and fifty acres of land.

Mr. Akerman proposed to amend the amendment of Mr. Madden, by striking out "two hundred and fifty," and inserting "one hundred and sixty."

Upon the question of receiving the amendment of Mr. Akerman, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Bryson,
Akerman,	Casey,
Alexander,	Claiborne,
Anderson,	Costin,
Ashburn,	Crane.
Beaird,	Crawford,
Baldwin,	Crumley,
Bell of Banks,	Dailey,
Bowers,	Dunnegan,
Bigby,	Foster of Pauling,
Bracewell,	Guilford,



Harrison of Carroll,	Moore of Columbia,
Harrison of Hancock,	Neal,
Higbee,	Palmer,
Houston,	Pope,
Holcombe,	Rozar,
Hutcheson,	Saffold,
Knox,	Shields,
Lott,	Smith of Coweta,
Maddox,	Smith of Thomas,
Mathews,	Shropshire,
Martin of Carroll,	Supple,
Martin of Calhoun,	Stone,
Martin of Habersham,	Turner,
McHan,	Wallace,
McCay,	Whitehead of Burke,
Miller,	Woodey.
Moore of White,	

Those who voted in the negative, are Messrs.

Angier,	Cobb of Houston,
Bentley,	Conley,
Bell of Oglethorpe,	Cotting,
Bowden of Monroe,	Davis,
Blodgett,	Dews,
Blount,	Dinkins,
Bryant,	Dunning,
Brown,	Edwards,
Buchan,	Flynn,
Bullock,	Fort,
Burnett,	Gibson,
Campbell,	Goodwin,
Carson,	Gove,
Cameron,	Golden,
Caldwell,	Griffin,
Clift,	Harris of Newton,
Chatters,	Higden,
Chambers,	Hotchkiss,
Cooper,	Hopkins,



Hooks,	Prince,
Howe,	Reynolds,
Hudson,	Rice,
Jackson,	Robertson,
Joiner,	Sikes,
Jordan,	Seeley,
Key,	Speer,
King,	Shumate,
Lee,	Strickland,
Linder,	Trammell,
Lumpkin,	Traywick,
Madden,	Walton,
Maul,	Waddell,
Minor,	Whitaker,
McWhorter,	Whitehead of Butts,
Murphy,	Whiteley,
Noble,	Williams.
Potts,	

There are yeas, 55; nays, 73. So the amendment of Mr. Akerman was not received.

Mr. Madden, by consent, withdrew his amendment.

Mr. Akerman renewed said motion to amend.

Mr. Blodgett called for the previous question.

Mr. Akerman rose to a point of order, assuming that the debate having been ordered to cease on the pending subject-matter, for the purpose of perfecting the same by amendment, it was not in order to call the previous question, for the purpose of cutting off amendments.

The point of order was overruled by the Chair, and the call for the previous question sustained.

The motion of Mr. Costin, to strike out all after the enacting clause, in the substitute offered by Mr. Blodgett,



was ruled out of order by the President, because there was no enacting clause in said substitute.

The following amendment, offered on yesterday by Mr. Akerman, was submitted, to-wit: Insert after the word "apart," where it first occurs, in the substitute of Mr. Blodgett, the following: "exempt from sale under any judgment, decree of execution, founded on any debt contracted after such real or personal property shall be set apart;" also, insert the word "such" between the words "any" and "judgment."

Upon the question of agreeing to the same, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Holcombe,
Akerman,	Hutcheson,
Angier,	Knox,
Beaird,	Lee,
Baldwin,	Lott,
Bell of Banks,	Maddox,
Bowers,	Mathews,
Bigby,	Martin of Carroll,
Bracewell,	Martin of Calhoun,
Bryson,	Martin of Habersham,
Cameron,	McHan,
Claiborne,	Miller,
Costin,	Moore of White,
Crane,	Neal,
Crawford,	Rice,
Crumley,	Rozar,
Dailey,	Saffold,
Dunnegan,	Shields,
Foster of Paulding,	Smith of Coweta,
Harrison of Carroll,	Smith of Thomas,
Higbee,	Shropshire,
Houston,	Supple,



Stanley,	Wallace,
Stone,	Waddell,
Trammell,	Woodey.

Those who voted in the negative, are Messrs.

Alexander,	Grove,
Anderson,	Golden,
Ashburn,	Griffin,
Bentley,	Guilford,
Bell of Oglethorpe,	Harris of Newton,
Bowden of Monroe,	Harrison of Hancock,
Blodgett,	Higden,
Blount,	Hotchkiss,
Bryant,	Hopkins,
Brown,	Hooks,
Buchan,	Howe,
Bullock,	Hudson,
Burnett,	Jackson,
Campbell,	Joiner,
Carson,	Jordan,
Casey,	Key,
Caldwell,	King,
Clift,	Linder,
Chatters,	Lumpkin,
Chambers,	Madden,
Cooper,	Maull,
Cobb of Houston,	McCay,
Conley	Minor,
Crayton,	McWhorter,
Cotting,	Moore of Columbia,
Davis,	Murphy,
Dews,	Noble,
Dinkins,	Pope,
Dunning,	Potts,
Edwards,	Prince,
Flynn,	Reynolds,
Fort,	Robertson
Gibson,	Sikes,
Goodwin,	Seeley,



Speer,  
Shumate,  
Stewart,  
Strickland,  
Trawick,  
Walton,

Whitaker,  
Whitehead of Burke,  
Whitehead of Butts,  
Whiteley,  
Williams.

There are yeas, 50; nays, 79. So the amendment proposed by Mr. Akerman was not received.

The question recurring upon the adoption of the substitute of Mr. Blodgett, Mr. McCay rose to a question of privilege, inquiring of the Chair the effect of its adoption.

The Chair decided that the adoption of the substitute would place it in the position of the original report, and that the next question would be, "Shall the report, as amended, be adopted?"

The substitute of Mr. Blodgett was then adopted.

Upon the question, "Shall the report, as amended, be adopted?" the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Alexander,  
Anderson,  
Ashburn,  
Bentley,  
Beaird,  
Bell of Oglethorpe,  
Bowden of Monroe,  
Blodgett,  
Blount,  
Bryant,  
Brown,  
Buchan,

Bullock,  
Burnett,  
Campbell,  
Carson,  
Casey,  
Caldwell,  
Clift,  
Chatters,  
Chambers,  
Cooper,  
Cobb of Houston,  
Conley,



Crayton,	Madden,
Cotting,	Mauil,
Davis,	McCay,
Dews,	Minor,
Dinkins,	Miller,
Dunning,	McWhorter,
Edwards,	Moore of Columbia,
Flynn,	Murphy,
Fort,	Noble,
Gibson,	Pope,
Goodwin,	Potts,
Gove,	Prince,
Golden,	Reynolds,
Griffin,	Rice,
Harris of Newton,	Robertson,
Hopkins,	Sikes,
Hotchkiss,	Seeley,
Hooks,	Smith of Coweta,
Howe,	Speer,
Hudson,	Shumate,
Jackson,	Stewart,
Joiner,	Strickland,
Jordan,	Trawick,
Key,	Walton,
Lee,	Whitaker,
Linder,	Whitehead of Butts,
Lumpkin,	Whiteley.

Those who voted in the negative, are Messrs.

Adkins,	Cameron,
Akerman,	Claiborne,
Angier,	Costin,
Baldwin,	Crane,
Bell of Banks,	Crawford,
Bowers,	Crumley,
Bigby,	Daley,
Bracewell,	Dunnegan,
Bryson,	Foster of Paulding,



Guilford,	Neal,
Harrison of Carroll,	Palmer,
Harrison of Hancock,	Rozar,
Higbee,	Saffold,
Higden,	Shields,
Houston,	Smith of Thomas,
Holcombe,	Shropshire,
Hutcheson,	Stanley,
King,	Stone,
Knox,	Supple,
Lott,	Trammell,
Maddox,	Turner,
Mathews,	Wallace,
Martin of Carroll,	Waddell,
Martin of Calhoun,	Whitehead of Burke,
Martin of Habersham,	Williams,
McHan,	Woodey.
Moore of White,	

There are yeas, 78; nays, 53. So the report, as amended, was adopted.

Mr. Conley moved a suspension of the Rule, for the purpose of offering the following resolution, to-wit:

*Resolved*, That this Convention will adjourn *sine die* on Saturday, March 7th, at 3 o'clock p. m.

Upon the question of suspending the Rule, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Akerman,	Bracewell,
Alexander,	Bryson,
Angier,	Burnett,
Bell of Banks,	Cameron,
Bowers,	Claiborne,
Bigby,	Cooper,
Blount,	Costin,



Conley,	Lott,
Crane,	Mathews,
Crawford,	Martin of Carroll,
Davis,	Martin of Calhoun,
Dews,	Martin of Habersham,
Dunnegan,	McHan,
Flynn,	McCay,
Foster of Paulding,	Miller,
Gibson,	Moore of White,
Goodwin,	Neal,
Gove,	Noble,
Griffin,	Rice,
Harris of Newton,	Robertson,
Harrison of Carroll,	Saffold,
Higden,	Shields,
Hotchkiss,	Smith of Coweta,
Houston,	Smith of Thomas,
Holcombe,	Speer,
Hooks,	Shropshire,
Hudson,	Stone,
Hutcheson,	Trammell,
Jordan,	Trawick,
Key,	Waddell,
King,	Whiteley,
Knox,	Williams,
Lee,	Woodey.

Those who voted in the negative, are Messrs.

Adkins,	Buchan,
Anderson,	Campbell,
Ashburn,	Carson,
Bentley,	Casey,
Beaird,	Caldwell,
Baldwin,	Clift,
Bell of Oglethorpe,	Chatters,
Blodgett,	Chambers,
Bryant,	Cobb of Houston,
Brown,	Crayton,



Crumley,	Murphy,
Cotting,	Palmer,
Dailey,	Pope,
Dinkins,	Potts,
Dunning,	Prince,
Edwards,	Reynolds,
Golden,	Rozar,
Guilford,	Sikes,
Harrison of Hancock,	Seeley,
Higbee,	Shumate,
Hopkins,	Stewart,
Jackson,	Supple,
Joiner,	Stanley,
Linder,	Strickland,
Lumpkin,	Walton,
Madden,	Wallace,
Maddox,	Whitaker,
Maull,	Whitehead of Burke,
Minor,	Whitehead of Bufts.
Moore of Columbia,	

There are yeas, 66; nays, 59. So the motion to suspend the Rule was lost.

Mr. Conley in the Chair.

On motion of Mr. Whiteley, the Rule was suspended, and the Bill of Rights taken up.

Mr. Murphy offered the following, to be known as section thirty of said Bill of Rights, to-wit:

Manual and mechanical labor shall have such lien upon its products, and such remedies for its collection, and such priorities, as is now provided by law in cases of rent.

Mr. Cotting offered the following, as a substitute for the section proposed by Mr. Murphy. The same was accepted by Mr. Murphy, in lieu of his section, which, by permission, he withdrew:



Mechanics and laborers shall have liens upon the property of their employers for labor performed and material furnished; and the Legislature shall provide for the summary enforcement of the same.

Mr. Lee moved to amend as follows:

And the employers shall have liens on all crops, for provisions furnished employees.

The amendment of Mr. Lee was lost.

The substitute of Mr. Cotting, accepted by Mr. Murphy, was adopted.

Mr. Whiteley proposed to amend the second section, by adding the following thereto, to-wit:

And it shall be the duty of the General Assembly, by appropriate legislation, to protect every person in the due enjoyment of the rights, privileges and immunities guaranteed in this section.

The same was adopted.

Mr. Ashburn proposed the following, to be known as the nineteenth section of the Bill of Rights, to-wit:

No Court in this State shall have jurisdiction to hear or determine any suit, or render judgment in any case, against any resident of this State, upon any contract or agreement made or entered into, or upon any contract made in renewal of a debt, existing prior to the first day of April, 1867; nor shall any Court or ministerial officer of this State have jurisdiction or authority to enforce any judgment, execution or decree, rendered or issued upon any contract or agreement, or renewal thereof, prior to said first day of April, 1867, except in the following



cases, in which the Courts and ministerial officers shall have jurisdiction and authority :

All debts growing out of trust estates, and the claims of widows, minors and orphans ; *Provided*, Said claims existed prior to the 19th day of January, 1861.

After the first day of January, 1870, the Legislature may open the Courts, by a two-thirds vote, to meritorious claims, for their adjustment.

Mr. Speer moved the indefinite postponement of the same, and on this motion, called for the previous question.

Mr. McCay rose to a point of order, assuming that the proposition of Mr. Ashburn was not germane to the Bill of Rights.

The President *pro tem.* (Mr. Conley in the Chair) overruled the point of order.

Mr. Ashburn, by consent, withdrew his proposition.

Mr. Whiteley moved the adoption of the Bill of Rights, as amended.

Mr. Parrott called for the previous question, which was sustained.

The Bill of Rights, as amended, was adopted.

Mr. Whiteley moved its reference to the Committee on Revision.

Mr. Waddell moved to amend the motion of Mr. Whiteley, by adding, that said Committee be instructed to strike out the thirty-sixth section of said report.

Mr. Hotchkiss rose to a point of order, assuming that



a motion to amend the report was out of order after the adoption of the report.

The point of order was sustained by the Chair.

The motion of Mr. Whiteley, to refer, prevailed.

The report of the Committee on Judiciary Department was taken up, as unfinished business, the third paragraph of the first section being first in order.

Mr. Bell of Banks, moved to amend said section, by striking out from the third line the words "the seat of government," and inserting, in lieu thereof, the words "at four places, to be designated by the General Assembly."

Mr. Dunning moved to amend said section by adding thereto the following:

The seat of government of this State, from and after the date of the ratification of this Constitution, shall be in the City of Atlanta; and the General Assembly shall provide for the erection of a new State House, and such other buildings as the public welfare may require.

Mr. McCay rose to a point of order, assuming that the proposed amendment was not germane to the subject-matter under consideration.

The point of order was overruled by the Chair.

Mr. Bigby called for the reading of the following communication, laid by the President on the Secretary's desk, to-wit:



CLERK'S OFFICE, CITY COUNCIL,

Atlanta, Ga., February 21, 1868.

*Hon. J. R. Parrott, President State Constitutional Convention.*

At a regular meeting of the Mayor and City Council of Atlanta, this evening,

On motion of Councilman Cox, the regular order of business was suspended and the following resolution unanimously adopted:

WHEREAS, a proposition is now pending before the State Convention, now in session in this city, to remove the Capital to Atlanta, Therefore,

*Resolved*, That we hereby tender the use of the City Hall for the use of the State Legislature, and all buildings necessary for State officers, free of all cost, for the space of five years.

If the City Hall is not acceptable, we propose to fit up other halls, etc., for the use of the legislative sessions for the above mentioned time.

The above is a true extract from the Minutes of Council.

S. B. LOVE, Clerk.

Mr. Whiteley moved that the amendment of Mr. Dunning be referred to a Special Committee of five, with instructions to consult with the City Councils of Macon, Atlanta and Augusta in reference thereto, and that they report to the Convention at an early day.

Mr. Bryant called for the previous question, which was sustained, on the motion of Mr. Whiteley.



Said motion did not prevail.

Mr. Speer proposed to amend the amendment of Mr. Dunning, by striking out "Atlanta" and inserting "Macon."

This amendment was ruled out of order by the President *pro tem.*, who decided that the previous question, which had been sustained, brought the Convention to a vote, first on the amendment upon which it was called, and then the remaining amendments pending.

From this decision Mr. Bryant appealed.

Upon the question of sustaining the decision of the Chair, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Cooper,
Alexander,	Cobb of Houston,
Angier,	Costin,
Ashburn,	Crane,
Beaird,	Crawford,
Bell of Banks,	Crayton,
Bowden of Monroe,	Davis,
Blodgett,	Dailey,
Bigby,	Dinkins,
Brown,	Dunning,
Bracewell,	Dunnegan,
Bryson,	Edwards,
Bullock,	Flynn,
Campbell,	Foster of Paulding,
Carson,	Goodwin,
Casey,	Golden,
Caldwell,	Guilford,
Clift,	Harris of Newton,
Chatters,	Harrison of Carroll,
Claiborne,	Harrison of Hancock,
Chambers,	Higbee,



Hotchkiss,	Moore of Columbia,
Holcombe,	Murphy,
Hopkins,	Noble,
Hudson,	Palmer,
Hutcheson,	Pope,
Jackson,	Potts,
Joiner,	Prince,
Key	Reynolds,
King,	Rozar,
Knox,	Robertson,
Lee,	Sikes,
Linder,	Shields,
Lott,	Seeley,
Lumpkin,	Smith of Coweta,
Madden,	Smith of Thomas,
Maddox,	Shropshire,
Mathews,	Shumate,
Martin of Calhoun,	Stewart,
Martin of Carroll,	Stanley,
Martin of Habersham,	Trammell,
McHan,	Trawick,
McCay,	Walton,
Minor,	Whitaker,
Miller,	Whitehead of Burke,
Moore of White,	Williams.

Those who voted in the negative, are Messrs.

Akerman,	Hooks,
Bentley,	Rice,
Baldwin,	Speer,
Bowers,	Supple,
Bryant,	Stone,
Cameron,	Turner,
Dews,	Wallace,
Gove,	Waddell,
Griffin,	Whiteley.
Higden,	



There are yeas, 92; nays, 19. So the decision of the Chair was sustained.

The hour of 3 o'clock p. m. having arrived, the President declared the Convention adjourned until 9½ o'clock a. m., tomorrow.

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ATLANTA, GA., Thursday, February 27, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Akerman gave notice that he would move a reconsideration of so much of the Journal of yesterday as relates to the action of the Convention in regard to the subject of homestead, except such amendments as were, on yesterday, reconsidered.

Mr. Whiteley gave notice that he would move a reconsideration of so much of said Journal as relates to the refusal of the Convention to refer the amendment of Mr. Dunning, on the subject of removing the Capital, to a Special Committee.

Mr. McCay gave notice that he would move a reconsideration of so much of the Journal as refers to the entire action of the Convention on yesterday, on said amendment of Mr. Dunning, including the previous question.

The motion of Mr. Akerman to reconsider was taken up.

Mr. Blodgett rose to a point of order, assuming that, as the action in regard to homestead had been incorpo-



rated into the Bill of Rights, which had been referred to the Committee on Revision, the matter sought to be reconsidered could only be reached by a reconsideration of said reference.

The President *pro tem.* (Mr. Conley in the Chair) decided that the motion of Mr. Akerman embraced the action of reference to the Committee on Revision, and that the motion was therefore in order.

The same did not prevail.

The following communication and accompanying Preamble and Resolutions, laid on the Secretary's desk by the President, were read, to-wit:

CITY OF ATLANTA,

Clerk's Office, February 26, 1868.

*Hon. J. R. Parrott, President State Convention:*

I am directed by the Mayor and Council of Atlanta to transmit to you, for the consideration of the Convention, the enclosed certified copy—Preamble and Resolutions.

Very respectfully, your obedient servant,

S. R. LOVE, Clerk City Council.

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COUNCIL CHAMBER,

Atlanta, Ga., Feb. 26, 1868.

At a special meeting of the Mayor and City Council of Atlanta, held this evening, on motion of Councilman Peters, the following Preamble and Resolutions were unanimously adopted:



WHEREAS, There is a proposition pending before the State Constitutional Convention of Georgia, now in session, to locate the Capital of Georgia in this City, from and after the ratification of the Constitution to be adopted by said Convention—

1. *Resolved*, That, in consideration of the location of said Capital, as proposed by said Convention, the City Council do hereby agree, covenant, and bind the City of Atlanta, free of cost to the State, to furnish, for the space of ten years, if needed, suitable buildings for the General Assembly, for the residence of the Governor, and for all the offices needed by such officers as are generally located in the State House, and also suitable rooms for the State Library and for the Supreme Court.

2. *Resolved*, That we also agree to donate to the State of Georgia the Fair Grounds, containing twenty-five acres, as a location for the Capitol; and, if the location is not desired, to donate in lieu of the Fair Grounds any other unoccupied ten acres of ground in the City that may be selected by the General Assembly as a more appropriate place for the Capitol and Governor's Mansion.

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CLERK'S OFFICE, CITY COUNCIL,

Atlanta, Ga., Feb. 26, 1868.

I certify that the above and foregoing is a true extract from the Minutes of the City Council of Atlanta.

[Seal of City.]

S. B. LOVE, Clerk.

Mr. Whiteley withdrew his motion to reconsider.

The unfinished business of yesterday was resumed, to-



wit: the report of the Committee on the Judiciary Department—the third paragraph of the first section, with the pending amendments of Mr. Bell of Banks, and Mr. Dunning, upon which the previous question had been called and sustained, being first in order.

At this junction Mr. McCay called the attention of the President *pro tem.* to the notice given of a motion to reconsider by him, and made the motion limiting the same to the action of the Convention in sustaining the previous question on the foregoing paragraph and proposed amendments.

Mr. Miller rose to a point of order, stating that the unfinished business having been resumed, it was too late for the motion to reconsider.

The point of order was overruled by the Chair.

Mr. Bullock called for the previous question, which was sustained.

The motion of Mr. McCay to reconsider was lost.

The question recurring on the amendment of Mr. Dunning, Mr. Whiteley required the yeas and nays to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Adkins,	Bigby,
Alexander,	Blount,
Angier,	Bryant,
Ashburn,	Brown,
Beaird,	Bracewell,
Bell of Banks,	Bryson,
Bell of Oglethorpe,	Buchan,
Bowden of Campbell,	Bullock,
Blodgett,	Burnett,



Campbell,	Jordan,
Carson,	Key,
Caldwell,	King,
Clift,	Knox,
Chatters,	Lee,
Claiborne,	Linder,
Chambers,	Lott,
Cooper,	Lumpkin,
Costin,	Madden,
Conley,	Maddox,
Crane,	Maull,
Crawford,	Mathews,
Crayton,	Martin of Carroll,
Crumley,	Martin of Habersham,
Davis,	McHan,
Dailey,	Minor,
Dinkins,	Miller,
Dunning,	Moore of White,
Dunnegan,	Moore of Columbia,
Edwards,	Murphy,
Ellington,	Noble,
Flynn,	Pope,
Foster of Paulding,	Potts,
Gibson,	Prince,
Goodwin,	Reynolds,
Golden,	Rozar,
Guilford,	Sikes,
Harris of Newton,	Shields,
Harrison of Carroll,	Seeley,
Harrison of Hancock,	Smith of Coweta,
Higbee,	Smith of Thomas,
Hotchkiss,	Speer,
Houston,	Shropshire,
Holcombe,	Shumate,
Hopkins,	Strickland,
Howe,	Trammell,
Hutcheson,	Trawick,
Jackson,	Waddell,
Jones,	Whitaker,



Whitehead of Burke,                      Woodey.  
Williams,

Those who voted in the negative, are Messrs.

Akerman,	Joiner,
Anderson,	Martin of Calhoun,
Bentley,	McCay,
Baldwin,	McWhorter,
Bowden of Monroe,	Neal,
Bowers,	Palmer,
Cameron,	Rice,
Cobb of Houston,	Saffold,
Cotting,	Supple,
Dews,	Stone,
Gove,	Turner,
Griffin,	Walton,
Higden,	Wallace,
Hooks,	Whitehead of Butts,
Hudson,	Whiteley,

There are yeas, 99; nays, 30. So the amendment of Mr. Dunning was agreed to.

On motion of Mr. Miller, the Rule was suspended for the introduction of the following Resolution by Mr. Blount, to-wit:

*Resolved*, That this Convention, in behalf of the State, hereby accepts the proposition of the City of Atlanta for the removal of the Capital of the State to said city, and will incorporate in the Constitution of the State a provision securing said removal, and will hold the City to a just and full compliance with said proposition.

Mr. Akerman offered the following amendment, which was accepted by Mr. Blount:

The General Assembly shall have power to provide



for the temporary removal of the seat of government in case of invasion, pestilence, or other pressing emergency.

Mr. McCay proposed to amend said Resolution as follows, to-wit:

The provision for the fixing of the seat of government shall not be operative until the City of Atlanta shall (in the judgment of the Governor, which he shall make known by proclamation) have fully complied with its undertaking this day made.

Upon the question of agreeing to the proposed amendment of Mr. McCay, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Edwards,
Anderson,	Golden,
Bentley,	Griffin,
Beaird,	Harrison of Hancock,
Baldwin,	Higden,
Bell of Oglethorpe,	Hooks,
Bell of Banks,	Hudson,
Bowden of Monroe,	Joiner,
Blodgett,	Jones,
Blount,	Knox,
Bryant,	Linder,
Buchan,	Lumpkin,
Campbell,	Madden,
Carson,	Martin of Calhoun,
Cameron,	McCay,
Chatters,	Minor,
Cobb of Houston,	Moore of Columbia,
Crayton,	Murphy,
Cotting,	Neal,
Dews,	Noble,
Dinkins,	Palmer,



Pope,	Stanley,
Prince,	Stone,
Reynolds,	Strickland,
Rice,	Trawick,
Rozar,	Walton,
Saffold,	Wallace,
Seeley,	Whitaker,
Smith of Thomas,	Whitehead of Butts,
Supple,	Whiteley,

Those who voted in the negative, are Messrs.

Akerman,	Guilford,
Alexander,	Harris of Newton,
Angier,	Harrison of Carroll,
Ashburn,	Higbee,
Bowden of Campbell,	Hotchkiss,
Bowers,	Houston,
Bigby,	Holcombe,
Brown,	Hopkins,
Bracewell,	Howe,
Bryson,	Hutcheson,
Burnett,	Jackson,
Claiborne,	Key,
Chambers,	King,
Cooper,	Lee,
Costin,	Lott,
Conley,	Maddox,
Crane,	Maul,
Crawford,	Mathews,
Crumley,	Martin of Carroll,
Davis,	Martin of Habersham,
Dailey,	McHan,
Dunning,	Miller,
Dunnegan,	Moore of White,
Ellington,	Robertson,
Foster of Paulding,	Sikes,
Gilbert,	Shields,
Goodwin,	Smith of Coweta,



Speer,  
Shropshire,  
Shumate,  
Trammell,

Whitehead of Burke,  
Williams,  
Woodey.

There are yeas, 60; nays, 61. So the amendment was not agreed to.

Mr. Hotchkiss moved a suspension of the Rule for the introduction of the following Resolution, to-wit:

*Resolved*, That the report of the Committee on the Judiciary be adopted as a whole, and the Committee on Revision be required to so alter the phraseology as to make it conform to the instructions of the Convention concerning the same, and the vote taking up the report by sections be rescinded.

The motion to suspend the Rule did not prevail.

Mr. Speer moved to suspend the Rule for the introduction of a Resolution.

Mr. McCay rose to a point of order, assuming that, as the previous question had been called and sustained on the third paragraph and first section of the Judiciary Report and amendments proposed thereto, the motion to suspend the Rule was not in order.

The point of order was sustained by the President.

The question recurring upon the amendment proposed by Mr. Bell, the same was not received.

The third paragraph of the first section of the report of the Committee on the Judiciary Department was adopted as amended, and is as follows, to-wit:

3. The Supreme Court shall have no original jurisdiction, but shall be a Court alone for the trial and cor-



rection of errors from the Superior Courts and from the City Courts of Savannah and Augusta, and such other like Courts as may be hereafter established in other cities; and shall sit at the seat of government at such times in each year as shall be prescribed by law, for the trial and determination of writs of error from said Superior and City Courts. The days on which the cases from the several Circuits and City Courts shall be taken up by the Court shall be fixed by law. The seat of government of this State, from and after the date of the ratification of this Constitution, shall be in the City of Atlanta, and the General Assembly shall provide for the erection of a new State House and such other buildings as the public welfare may require.

Mr. Speer moved a suspension of the Rule for the introduction of the following Resolution, to-wit:

*Resolved*, That from and after to-morrow, the daily hours of the meeting of this Convention shall be 9½ o'clock, a. m., and 3 o'clock p. m., and the hours of adjournment 1 o'clock p. m. and 6 o'clock p. m.

Upon the question of suspending the Rule the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,  
Angier,  
Beaird,  
Baldwin,  
Bell of Banks,  
Bowden of Campbell,  
Bowden of Monroe,  
Bowers,  
Blodgett,

Bigby,  
Blount,  
Bryant,  
Brown,  
Bracewell,  
Bryson,  
Buchan,  
Bullock,  
Carson,



Cameron,	Linder,
Chatters,	Lott,
Conley,	Madden,
Crane,	Maull,
Crayton,	Mathews,
Davis,	Martin of Calhoun,
Dailey,	Martin of Habersham,
Dews,	McHan,
Dunning,	McCay,
Dunnegan,	Miller,
Ellington,	Moore of White,
Foster of Paulding,	Moore of Columbia,
Gilbert,	Murphy,
Goodwin,	Neal,
Gove,	Palmer,
Griffin,	Prince,
Guilford,	Rice,
Harris of Newton,	Rozar,
Harrison of Carroll,	Robertson,
Harrison of Hancock,	Shields,
Higden,	Seeley,
Hotchkiss,	Smith of Coweta,
Houston,	Smith of Thomas,
Holcombe,	Speer,
Hopkins,	Shropshire,
Hooks,	Supple,
Hudson,	Stanley,
Hutcheson,	Trammell,
Joiner,	Trawick,
Key,	Turner,
King,	Waddell,
Knox,	Williams,
Lee,	Woodey.

Those who voted in the negative, are Messrs.

Akerman,	Bentley,
Alexander,	Bell of Oglethorpe,
Anderson,	Burnett,
Ashburn,	Campbell,



Claiborne,  
Chambers,  
Cooper,  
Cobb of Houston,  
Costin,  
Crawford,  
Crumley,  
Cotting,  
Dinkins,  
Edwards,  
Golden,  
Higbee,  
Howe,  
Jackson,  
Jones,  
Lumpkin,

Maddox,  
Martin of Carroll,  
Minor,  
Noble,  
Pope,  
Reynolds,  
Saffold,  
Sikes,  
Shumate,  
Stone,  
Strickland,  
Walton,  
Wallace,  
Whitaker,  
Whitehead of Burke,  
Whiteley.

There are yeas 84; nays 40. So the motion to suspend the Rule prevailed.

The Resolution of Mr. Speer was taken up and read.

Mr. Strickland proposed to amend the same as follows, to-wit:

*Resolved*, That hereafter speeches be limited to five minutes, and no delegate be permitted to speak more than twice on the same question.

Mr. McCay offered the following as a substitute for the original Resolution and proposed amendment, to-wit:

*Resolved*, That hereafter no member shall address the Convention more than five minutes at any one time, unless by unanimous consent.

Mr. Whiteley called for the previous question, which was sustained.



The main question was put, and the proposed substitute of Mr. McCay was not adopted.

The President ruled the amendment of Mr. Strickland out of order, because identical with the proposition of Mr. McCay, rejected by the Convention.

From this decision Mr. McCay appealed, and the decision of the Chair was not sustained.

The question recurring on said amendment of Mr. Strickland, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Dews,
Alexander,	Dinkins,
Angier,	Dunning,
Bentley,	Dunnegan,
Baldwin,	Edwards,
Bowers,	Ellington,
Blodgett,	Gilbert,
Blount,	Goodwin,
Brown,	Griffin,
Bracewell,	Guilford,
Bryson,	Harris of Newton,
Buchan,	Harrison of Carroll,
Bullock,	Higden,
Campbell,	Hotchkiss,
Carson,	Houston,
Claiborne,	Hopkins,
Cooper,	Hooks,
Cobb of Houston,	Hutcheson,
Conley,	Jackson,
Crawford,	Joiner,
Cotting,	Jones,
Davis,	Key.
Dailey,	Knox,



Lee,	Robertson,
Linder,	Shields,
Lott,	Seeley,
Lumpkin,	Smith of Thomas,
Maul,	Speer,
Mathews,	Shropshire,
Martin of Calhoun,	Stanley,
Martin of Habersham,	Stone,
McCay,	Strickland,
McHan,	Trawick,
Moore of White,	Walton,
Moore of Columbia,	Whitaker,
Neal,	Whitehead of Burke,
Palmer,	Whiteley,
Pope,	Williams,
Potts,	Woodey.
Rozar,	

Those who voted in the negative, are Messrs:

Akerman,	Higbee,
Anderson,	Holcombe,
Ashburn,	Hudson,
Beaird,	King,
Bell of Banks,	Madden,
Bell of Oglethorpe,	Maddox,
Bowden of Campbell,	Martin of Carroll,
Bigby,	Minor,
Bryant,	Murphy,
Burnett,	Noble,
Cameron,	Prince,
Chatters,	Reynolds,
Chambers,	Rice,
Costin,	Saffold,
Crayton,	Sikes,
Crumley,	Smith of Coweta,
Foster of Paulding,	Shumate,
Gove,	Trammell,
Golden,	Wallace,
Harrison of Hancock,	Waddell.



There are yeas 79; nays 40. So the amendment was received.

The Resolution, as amended, was adopted, and is as follows, to-wit:

*Resolved*, That from and after to-morrow, the daily hours of meeting of this Convention shall be 9 1-2 o'clock a. m., and 3 o'clock p. m., and the hours of adjournment 1 o'clock p. m. and 6 o'clock p. m.

*Resolved*, That hereafter speeches be limited to five minutes, and no delegate be permitted to speak more than twice on the same question.

The Convention resumed the consideration of the report of the Committee on the Judiciary Department.

On the question of adopting the fourth paragraph of the first section, Mr. Whiteley called for the previous question, which was sustained.

Said paragraph was adopted without amendment.

Mr. Holcombe moved to strike out the fifth paragraph.

The motion did not prevail.

Mr. Whiteley called for the previous question, which was sustained.

The main question was put, and the fifth paragraph of the first section was adopted without amendment.

Mr. McCay offered the following as an additional paragraph, to be known as paragraph six of the first section, to-wit:

All Courts not specially mentioned by name in the first paragraph of this section may be abolished in any



county, at the discretion of the General Assembly; and no Judge of any Court in this State shall have power to punish any crime by a fine alternately with any other penalty, nor to affix any other penalty for failure to pay a fine.

Mr. Bryant moved to amend by striking out the word "and."

This amendment was accepted by Mr. McCay.

Mr. Parrott proposed to amend the same by adding the following at the close of the first clause, to-wit:

And the County Courts now existing in Georgia are hereby abolished.

Mr. Bryant called for a division of the question.

The vote was taken on the amendment of Mr. Parrott, which was received.

The first clause, as amended, was adopted.

The second clause of said sixth paragraph was stricken out.

The sixth paragraph, as amended, was adopted, and is as follows, to-wit:

All Courts not specially mentioned by name, in the first paragraph of this section, may be abolished in any county, at the discretion of the General Assembly; and the County Courts now existing in Georgia are hereby abolished.

Leave of absence was granted Mr. Hooks until Monday night.

The Convention, on motion, adjourned until 9 1-2 o'clock a. m., to-morrow.



ATLANTA, GA., Friday, February 28, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read; and

Mr. Gove moved a reconsideration of so much thereof as relates to the action of the Convention on the subject of the removal of the Capital.

On motion of Mr. Whiteley, the foregoing motion, to reconsider, was indefinitely postponed.

Mr. Smith, of Coweta, moved a reconsideration of so much of the Journal of yesterday as relates to the adoption of the Resolution, fixing the daily hours of meeting and adjournment, and limiting the speeches of members, giving notice that, if his motion prevailed, he should offer the following:

*Resolved*, That, after this day, there shall be two sessions daily, to-wit: Meet at 9 a. m.; adjourn at 2 p. m. Meet at 7 p. m.; adjourn at 10 p. m.

That no subject, not strictly pertaining to the Constitution, be considered, until the Constitution be completed.

That, until said completion of the Constitution, no delegate be allowed to speak more than twenty minutes on any one question.

Mr. Speer called for the previous question, which was sustained.

The main question was put, and the motion to reconsider was lost.

Mr. Walton moved a suspension of the Rule, for the



introduction of a Resolution relative to adjournment *sine die*, on Wednesday, 11th day of March; and also,

A Resolution in regard to the auditing of accounts of members, officers, employees, and for incidental expenses.

The motion did not prevail.

Mr. Madden moved a suspension of the Rule, for the introduction of the following Resolutions, to-wit:

*Resolved*, That we, the people of Georgia, friends of reconstruction, in convention assembled, now striving to bring about a speedy settlement of our national difficulties, and to place our beloved State once more on the same status as the loyal States of the Union, thereby promoting the best interests of Georgia, and initiating peace and prosperity again within her borders, do hereby endorse the action of Congress in impeaching Andrew Johnson, acting President of the United States.

*Resolved*, That copies of the foregoing Resolution be forwarded to the President of the Senate and Speaker of the House of Representatives of the United States.

Mr. Whiteley moved to lay said motion on the table.

Upon this the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs:

Akerman,	Bigby,
Angier,	Blount,
Ashburn,	Brown,
Bedford,	Bryson,
Bell of Banks,	Carson,
Bowden of Campbell,	Cameron,
Bowden of Monroe,	Casey,
Bowers,	Caldwell,



Chatters,	Lott,
Cooper,	Lumpkin,
Crane,	Maddox,
Crawford,	Mathews,
Crumley,	Martin of Calhoun,
Davis,	Martin of Habersham,
Dews,	McHan,
Dinkins,	McCay,
Edwards,	Miller,
Flynn,	McWhorter,
Fields,	Moore of White,
Foster of Paulding,	Neal,
Goodwin,	Potts,
Gove,	Robertson,
Griffin,	Saffold,
Harris of Newton,	Seeley,
Harrison of Carroll,	Smith of Coweta,
Higden,	Smith of Thomas,
Hotchkiss,	Speer,
Holcombe,	Shropshire,
Howe,	Shumate,
Hudson,	Trammell,
Hutcheson,	Traywick,
Jordan,	Turner,
Key,	Walton,
King,	Whiteley,
Knox,	Woodey.
Lee,	

Those who voted in the negative, are Messrs:

Adkins,	Bracewell,
Alexander,	Bullock,
Anderson,	Campbell,
Bentley,	Clift,
Beaird,	Claiborne,
Baldwin,	Cobb of Houston,
Bell of Oglethorpe,	Costin,
Blodgett,	Conley,
Bryant,	Crayton,



Cotting,	Moore of Columbia,
Dailey,	Murphy,
Dunning,	Noble,
Dunnegan,	Palmer,
Ellington,	Pope,
Golden,	Prince,
Guilford,	Reynolds,
Harris of Chatham,	Rice,
Harrison of Hancock,	Sikes,
Higbee,	Shields,
Jackson,	Stewart,
Joiner,	Supple,
Jones,	Stone,
Linder,	Strickland,
Madden,	Wallace,
Maull,	Whitehead of Butts,
Minor,	Williams.

There are yeas 71; nays 52. So the motion to lay on the table prevailed.

Mr. Hotchkiss moved a suspension of the Rule, for the introduction of a Resolution providing that, when this Convention adjourns, it shall adjourn subject to the call of the President or the Governor, if said call be made within three months from the date of adjournment.

On motion of Mr. Bryant, said motion was laid on the table.

Mr. Walton moved a suspension of the Rule, for the introduction of the following Resolution, to-wit:

*Resolved*, That the General Commanding be, and he is hereby, respectfully requested to provide for the payment of this Convention up to and including the 11th day of March next.

Upon this motion Mr. Bullock called for the previous question, which was sustained.



The main question was put, the Rule was suspended, the Resolution taken up and agreed to.

Mr. Hopkins moved a suspension of the Rule, for the introduction of a Resolution relative to compensation of Governor Ruger and others.

On this motion Mr. Bryant called for the previous question, which was sustained.

The main question was put, and the motion to suspend the Rule was lost.

Mr. Foster, of Paulding, moved a suspension of the Rule, for the introduction of a Resolution providing that, after the 11th day of March, members should receive no *per diem* pay.

The motion to suspend the Rule did not prevail.

The consideration of the report of the Committee on the Judiciary Department was resumed, as unfinished business, the first paragraph of the second section being first in order.

On motion of Mr. Crane, the first paragraph of the second section was amended as follows, to-wit: Insert after the word "courts" in the first line, the words "and a Solicitor-General;" strike out the word "he," in the first line, and insert the words "the Judge," insert after the word "Judges," in the second line, the words "and Solicitors-General."

The first paragraph, second section, was adopted as amended, and is as follows, to-wit:

There shall be a Judge of the Superior Courts and a Solicitor-General for each Judicial Circuit. The Judges may act in other Circuits, when authorized by law. At



the first appointment of such Judges and Solicitors-General, under this Constitution, one-half of the number (as near as may be) shall be appointed for four years, and the other half for eight years; but all subsequent appointments, except to fill the unexpired terms, shall be for the term of eight years.

On motion of Mr. McCay, the second paragraph of the second section was amended as follows: After the word "cases," in the third and fourth lines, insert "except as hereafter excepted," and strike out from the fourth and fifth lines the words "where the principal sum claimed exceeds one hundred dollars."

Said paragraph, as amended, was adopted, and is as follows:

2. The Superior Courts shall have exclusive jurisdiction in cases of divorces; in criminal cases, where the offender is subjected to loss of life or to confinement in the penitentiary; in cases respecting titles to lands, and in equity cases, except as hereafter provided. But the General Assembly shall have power to merge the common law and equity jurisdiction of said Courts. Said Courts shall have jurisdiction in all other civil cases, except as hereafter provided. They shall have appellate jurisdiction in all such cases as may be provided by law. They shall have power to correct errors in inferior judicatories by writ of *certiorari*, which shall only issue on the sanction of the Judge; and to issue writ of *mandamus*, prohibition, *scire facias*, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as shall be conferred on them by law.

The third paragraph of the second section was



amended as follows, on motion of Mr. McCay: After the word "cases," in the third line, insert the words "founded on contract;" and after the word "filed," at the end of said paragraph, add the words "on oath."

Said paragraph, as amended, was adopted, and is as follows:

3. There shall be no appeal from one Jury in the Superior Courts to another; but the Court may grant new trials on legal grounds. The Court shall render Judgment, without the verdict of a Jury, in all civil cases founded on contract, where an issuable defence is not filed on oath.

Mr. Hotchkiss moved to amend the fourth paragraph of second section, by substituting "four" for "two."

On motion of Mr. McCay action on said paragraph was deferred until the third and fourth sections should be disposed of.

Mr. Davis moved to strike out the first paragraph of the third section.

Mr. Bryant moved to strike out the word "shall," in the first line of said paragraph, and insert "may."

This amendment was lost.

Mr. Whiteley offered the following as a substitute for the whole of said paragraph, to-wit:

Par. 1. Until the General Assembly shall otherwise direct, there shall be a District Judge and a District Attorney for each Senatorial District in this State.

Par. 2. It shall be the duty of the District Judge to hear and determine all offences not punishable with death



or imprisonment in the penitentiary; and the duty of the District Attorney to represent the State in all cases before the District Judge.

Par. 3. The District Judge shall sit at stated times, not less than once in each month, in each County in his District, for the summary trial of offences, and at such other times as the General Assembly may direct.

Par. 4. Offences shall be tried before the District Judge on a written accusation founded on the customary affidavit, and shall plainly set forth the offence charged, shall contain the name of the accuser, and be signed by the District Attorney.

Par. 5. There shall be no Jury trial before the District Judge except when demanded by the accused, in which case the Jury shall consist of seven.

Par. 6. The District Judges and Attorneys shall hold their offices for a period of four years, and shall receive for their services such stated compensation, in their respective Districts, as may be provided by law, but in no event shall said compensation be in any wise dependent on fines, forfeitures or costs.

Mr. Clift called for the previous question, which was sustained.

The proposed substitute of Mr. Whiteley was adopted.

The remainder of the third section was stricken out, and said section adopted as amended.

On motion of Mr. Davis, the last sentence of the first paragraph, fourth section, was stricken out.

On motion of Mr. Akerman, the following was adopted as the second paragraph of the fourth section, to-wit:



The Court of Ordinary shall have such powers in relation to roads, bridges, ferries, public buildings, paupers, county officers, County funds and taxes, and other matters, as shall be conferred on them by law.

On motion of Mr. Cotting, the following was added, as the third paragraph of the fourth section, to-wit:

The Ordinary shall hold his office for the term of four years, and until his successor is appointed and qualified.

Mr. Speer moved to amend the first paragraph of the fifth section, by striking out "one" and inserting "two."

The amendment was not received.

Said paragraph was adopted without amendment.

Mr. Parrott proposed to amend the second paragraph of the fifth section, by striking out "fifty" and inserting "one hundred."

Mr. McCay proposed to further amend said paragraph, by adding, at the end thereof, the following, to-wit:

But in cases where the judgment is for more than fifty dollars, there shall be an appeal to the Superior Courts, under such regulations as may be prescribed by law.

The amendment of Mr. McCay was accepted by Mr. Parrott, whose amendment, as amended, was adopted, and is as follows:

The Justices of the Peace shall have jurisdiction in all civil cases, where the principal sum claimed does not exceed one hundred dollars, and may sit at any time for the trial of such cases; but, in cases where the judgment



is for more than fifty dollars, there may be an appeal to the Superior Court, under such regulations as may be prescribed by law.

Mr. Parrott moved to amend the third paragraph, of the fifth section, by adding, at the end thereof, the following, "except as provided in the foregoing paragraph."

The amendment of Mr. Parrott was received, and said paragraph adopted as amended, and is as follows, to-wit:

There shall be no appeal to a Jury from the decision of a Justice of the Peace, except as provided in the foregoing paragraph.

Mr. Parrott moved to strike out the whole of the first paragraph of the sixth section, but withdrew his motion, and said paragraph was adopted without amendment.

On motion of Mr. Akerman, the second paragraph of the sixth section was amended, as follows: The words "to represent the State in all cases in the Supreme Court" stricken out; the words "Supreme and" inserted before the word "Superior" in the third line.

Said paragraph, as amended, was adopted, and is as follows, to-wit:

It shall be the duty of the Attorney-General to act as the legal adviser of the Executive Department, to represent the State in all civil and criminal cases in the Supreme and Superior Courts, when required by the Governor, and to perform such other services as shall be required of him by law.



The whole of section seven was stricken out, on motion of Mr. Whiteley.

On motion of Mr. Blount, the first paragraph of the eighth section was amended, by substituting the word "District" for "County."

On motion of Mr. Parrott, said paragraph was amended, by inserting the word "Solicitors-General" after the word "Attorney-General."

On motion of Mr. Whiteley, by substituting the word "Attorneys" for "Solicitors," in the second line.

Mr. Bryant moved to amend said paragraph further, by substituting the words "a majority" for the word "two-thirds," in the second line.

Mr. Speer moved an adjournment, which was lost.

Mr. Parrott called for the previous question, which was sustained.

The main question was put, and the amendment of Mr. Bryant received.

The first paragraph of the eighth section was adopted, as amended, and is as follows, to-wit:

The Judges of the Supreme and Superior Courts, the Attorney-General, Solicitors-General, and the District Judges and Attorneys, shall be appointed by the Governor, with the advice and consent of a majority of the Senate, and shall be removable by the Governor, on the address of two-thirds of each branch of the General Assembly, or by the impeachment and conviction thereon.

Leave of absence was granted Messrs. Prince, Hudson and Burnett.



Mr. Adins moved to amend paragraph two, section eight, by striking out all after the word "shall," in the first line, to the word "Circuits," inclusive, in the second line, and inserting the words "elected by the legal voters of their respective Districts."

Mr. Whiteley moved to strike out the word "Superior" and insert "District."

Mr. Bryant moved to strike out all after the word "office," in the last line.

The proposition of Mr. Adkins was first submitted, and, upon the question of agreeing to the same, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Crayton,
Alexander,	Cotting,
Anderson,	Dailey,
Ashburn,	Dinkins,
Bedford,	Dunning,
Bentley,	Ellington,
Beaird,	Golden,
Baldwin,	Guilford,
Bell of Oglethorpe,	Harris of Chatham,
Bowden of Campbell,	Harrison of Hancock,
Bowers,	Higbee,
Blodgett,	Hopkins,
Bracewell,	Jackson,
Bullock,	Joiner,
Campbell,	Jones,
Casey,	Linder,
Clift,	Lumpkin,
Chatters,	Madden,
Claiborne,	Maul,
Cobb of Houston,	McHan,
Costin,	Minor,



Moore of Columbia,	Sikes,
Murphy,	Shields,
Neal,	Seeley,
Noble,	Shumate,
Palmer,	Stewart,
Pope,	Stone,
Potts,	Wallace,
Prince,	Whitaker,
Reynolds,	Williams,
Rice,	Woodey.
Rozar,	

Those who voted in the negative, are Messrs.

Akerman,	Hudson,
Angier,	Hutcheson,
Bell of Banks,	Jordan,
Bigby,	Key,
Blount,	Knox,
Bryant,	Lee,
Bryson,	Lott,
Buchan,	Maddox,
Cameron,	Mathews,
Cooper,	Martin of Calhoun,
Cole,	Martin of Habersham,
Crane,	McCay,
Crawford,	Miller,
Davis,	Moore of White,
Dews,	Saffold,
Dunnegan,	Smith of Coweta,
Fields,	Smith of Thomas,
Goodwin,	Shropshire,
Gove,	Stanley,
Griffin,	Trammell,
Harris of Newton,	Trawick,
Harrison of Carroll,	Walton,
Higden,	Waddell,
Hotchkiss,	Whiteley.
Holcombe,	



There are yeas 63; nays 49. So the amendment was received.

Pending action on the proposed amendment of Mr. Whiteley and of Mr. Bryant,

The Convention, on motion, adjourned until 9 1-2 o'clock a. m., to-morrow.

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ATLANTA, GA., Saturday, February 29, 1868. .

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Harlan.

The Journal was read.

The following notices of motions to reconsider the Journal of yesterday were given:

By Mr. Bryant—To reconsider the action in laying on the table the motion to suspend the Rule for the introduction, by Mr. Madden, of a Resolution approving the impeachment of President Johnson.

By Mr. Hopkins—To reconsider the refusal to suspend the Rule for the introduction of a Resolution relative to the compensation of Governor Ruger and others.

By Mr. Campbell—To reconsider the action of adopting the substitute of Mr. Whiteley, establishing District Courts, and the provision of the first paragraph, eighth section, adopted on yesterday, relative to the appointment of Judges.

By Mr. Holcombe—To reconsider the action of the Convention in establishing District Courts.



By Mr. Akerman—To reconsider the adoption of the third paragraph of the third section.

By Mr. Holcombe—To reconsider the action relative to the jurisdiction of Justices of the Peace.

By Mr. Walton—To reconsider the refusal to suspend the Rule for the introduction of a Resolution, proposed by him, relative to auditing accounts of members, officers, employees, and for incidental expenses.

By Mr. Hotchkiss—To reconsider the action in making Justices of the Peace elective.

Leave of absence was granted Mr. Saffold for Monday and Tuesday next; to Mr. Foster, of Paulding, for this day; and to Mr. Brown, of Henry, on account of sickness.

On motion of Mr. Bell, of Banks, the Rule was suspended, when he offered the following Resolutions, which were taken up and agreed to, to-wit:

WHEREAS, The Air Line Railroad from Atlanta, Georgia, to Charlotte, North Carolina, that is now proposed to be constructed, being a link of the great Southern Pacific Railroad between the Eastern States and the Pacific Coast. Therefore,

*Resolved*, That this Convention do most earnestly request the Congress of the United States to make a liberal appropriation for the building of said Road.

*Resolved*, That the President of this Convention be requested to forward copies of the foregoing Preamble and Resolution to the President of the Senate and Speaker of the House of Representatives, with the request that they be laid before their respective bodies.



Mr. Holcombe moved a suspension of the Rule for the introduction of the following Resolution, to-wit:

*Resolved*, That this Convention do now adjourn to the third Tuesday in May next, when it will reassemble, to remain in session as long as it may be necessary for the protection of the loyal men of Georgia, or the Congress of the United States.

Mr. Blodgett called for the previous question, which was sustained.

The main question was put, and the motion to suspend the Rule was lost.

Mr. Speer moved a suspension of the Rule for the introduction of the following:

WHEREAS, The State of Georgia is now reduced to great pecuniary straits, which will be considerably increased by taxation necessary to meet the expenses of this Convention; and whereas, the people of Georgia are clamorous for relief, which this Convention has tried to meet, in part, by the passage of the Relief and Homestead Ordinances. Therefore, in view of the great financial distress that exists in this State,

*Resolved*, That the members of this Convention do agree not to exact any *per diem* for services rendered in this Convention after this day.

Mr. Bryant called for the previous question, which was sustained.

The main question was put, and the motion to suspend the Rule was lost.

Mr. Bentley proposed a suspension of the Rules for



the introduction of a Resolution fixing the pay of the Sergeant-at-Arms and an Assistant to this officer.

The motion to suspend the Rule did not prevail.

The motion of Mr. Bryant to reconsider was taken up.

The previous question was called for and sustained.

The main question was put, and the yeas and nays required to be recorded thereon.

Those who voted in the affirmative, are Messrs:

Adkins,	Golden,
Alexander,	Griffin,
Anderson,	Harris of Chatham,
Ashburn,	Harrison of Hancock,
Bedford,	Higbee,
Bentley,	Jackson,
Beaird,	Joiner,
Baldwin,	Jones,
Blodgett,	Linder,
Bryant,	Lumpkin,
Bullock,	Madden,
Campbell,	Maull,
Casey,	McHan,
Clift,	Minor,
Chatters,	Moore of Columbia,
Claiborne,	Murphy,
Chambers,	Noble,
Cobb of Houston,	Palmer,
Costin,	Pope,
Conley,	Potts,
Crayton,	Reynolds,
Dailey,	Rozar,
Dinkins,	Robertson,
Dunning,	Sikes,
Edwards,	Shields,
Ellington,	Seeley,
Gilbert,	Stewart,



Supple,  
Strickland,  
Turner,  
Walton,

Wallace,  
Whitaker,  
Williams,

Those who voted in the negative, are Messrs.

Akerman,  
Angier,  
Bell of Oglethorpe,  
Bell of Banks,  
Bowden of Monroe,  
Bowers,  
Bigby,  
Blount,  
Brown,  
Bracewell,  
Bryson,  
Carson,  
Cooper,  
Crane,  
Crawford,  
Davis,  
Dews,  
Dunnegan,  
Fields,  
Flynn,  
Fort,  
Goodwin,  
Gove,  
Griffin,  
Harland,  
Harris of Newton,  
Harrison of Carroll,  
Higden,  
Hotchkiss,  
Houston,

Holcombe,  
Howe,  
Hutcheson,  
Jordan,  
Key,  
Knox,  
Lee,  
Lott,  
Maddox,  
Mathews,  
Martin of Carroll,  
Martin of Calhoun,  
Martin of Habersham,  
McCay,  
Miller,  
McWhorter,  
Moore of White,  
Neal,  
Saffold,  
Smith of Coweta,  
Smith of Thomas,  
Speer,  
Shropshire,  
Shumate,  
Stanley,  
Trammell,  
Trawick,  
Waddell,  
Whiteley,  
Woodey.

There are yeas 61; nays 62. So the motion of Mr. Bryant to reconsider was lost.



Mr. Bentley moved a suspension of the Rule for the introduction of the following Resolution, to-wit:

*Resolved*, That those delegates who desire the *per diem* of members to cease, in consequence of the pecuniary embarrassment of the State, be allowed to manifest their magnanimity by being excused from receiving their *per diem*, if they desire.

The motion to suspend the Rule prevailed.

On motion of Mr. Akerman, the Resolution was laid on the table.

Mr. Holcombe moved an adjournment *sine die*.

Mr. Conley rose to a point of order, assuming that, while a proposition for reconsideration is pending, no other motion can be entertained.

The President submitted the point of order to the Convention.

The same was sustained, and the President announced that in future such would be the ruling of the Chair.

The motion of Mr. Campbell to reconsider the action of the first paragraph of the eighth section of the Judiciary report, was taken up.

The previous question was called and sustained.

The main question was put, and the motion to reconsider was lost.

The motion of Mr. Holcombe to reconsider the action of the Convention in establishing District Courts, was taken up.

The previous question was called for and sustained.



The main question was put, and the motion to reconsider was lost.

The motion for reconsideration by Mr. Akerman was withdrawn.

Mr. Holcombe's motion to reconsider the action of the Convention in relation to the jurisdiction of Justices of the Peace was taken up.

Mr. Bryant called for the previous question, which was sustained.

The main question was put, and the motion to reconsider was lost.

The motion of Mr. Walton to reconsider was taken up, and prevailed.

The Rule, on motion, was suspended, when the following Resolution was taken up and agreed to, to-wit:

*Resolved*, That the Auditing Committee be directed to audit the several accounts of the officers, members, and employees of the Convention, that they may be ready for a final settlement immediately after the adjournment.

The motion of Mr. Hotchkiss for consideration was taken up.

The previous question was called and sustained thereon.

The main question was put, and the yeas and nays were required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Akerman,  
Bell of Banks,

Bowden of Campbell,  
Bowden of Monroe,



Bigby,	Hutcheson,
Blount,	Jordan,
Cameron,	Key,
Cooper,	King,
Crane,	Knox,
Crawford,	Lee,
Cotting,	Lott,
Davis,	Maddox,
Dews,	Mathews,
Edwards,	Martin of Carroll,
Fields,	Martin of Calhoun,
Flynn,	McCay,
Gilbert,	Miller,
Goodwin,	Moore of White,
Gove,	Robertson,
Griffin,	Saffold,
Harland,	Smith of Thomas,
Harris of Newton,	Shropshire,
Harrison of Carroll,	Shumate,
Higden,	Stanley,
Hotchkiss,	Trammell,
Houston,	Trawick,
Holcombe,	Waddell.
Howe,	

Those who voted in the negative, are Messrs.

Adkins,	Bracewell,
Alexander,	Bryson,
Anderson,	Bullock,
Ashburn,	Campbell,
Bedford,	Carson,
Bentley,	Casey,
Beaird,	Clift,
Baldwin,	Chatters,
Bell of Oglethorpe,	Claiborne,
Bowers,	Chambers,
Blodgett,	Cobb of Houston,
Bryant,	Costin,
Brown,	Crayton,



Dailey,	Noble,
Dinkins,	Palmer,
Dunning,	Pope,
Dunnegan,	Potts,
Ellington,	Reynolds,
Fort,	Rice,
Golden,	Rozar,
Guilford,	Sikes,
Harris of Chatham,	Shields,
Harrison of Hancock,	Seeley,
Higbee,	Smith of Coweta,
Hopkins,	Speer,
Jackson,	Stewart,
Joiner,	Supple,
Jones,	Stone,
Linder,	Strickland,
Lumpkin,	Turner,
Madden,	Walton,
Maull,	Wallace,
McHan,	Whitaker,
Minor,	Whiteley,
Moore of Columbia,	Williams,
Murphy,	Woodey.
Neal,	

There are yeas 52; nays 73. So the motion to reconsider was lost.

The unfinished business of yesterday was resumed, to-wit: The report of the Committee on the Judiciary Department, the second paragraph of the eighth section being first in order, with an amendment by Mr. Whiteley, and an amendment by Mr. Bryant, pending.

The amendment proposed by Mr. Whiteley was •withdrawn.

That of Mr. Bryant was received, to-wit: Strike out all after the word “office,” in the third line.



Said second paragraph of the eighth section was adopted, as amended, and is as follows:

The Justices of the Peace shall be elected by the legal voters in their respective Districts, and shall be commissioned by the Governor. They shall be removable by said Judges on conviction for malpractice in office.

Mr. Harris, from the Committee on Printing, made the following report:

*Mr. President:*

The Committee on Printing instructs the Chairman to submit the following report for the action of this Convention.

A. L. HARRIS, *Chairman*.

*Resolved*, That the Convention subscribe two thousand copies of the Pamphlet, to be published by Messrs. Sheibly and Harrison, within three days after the adjournment of this Convention, and which shall contain the Proceedings, Constitution, Ordinances and Resolutions that may be adopted by it: *Provided*, That the said publishers send to each delegate of this Convention a proportionate number of the copies herein subscribed for.

*And be it further Resolved*, That the officer paying the expenses of this Convention is hereby authorized and directed to pay for the two thousand copies herein subscribed for, at the rate of three-eighths of one cent per page for each copy.

On motion of Mr. Harris, of Newton, the foregoing report was taken up and ordered to be printed.

Mr. Higbee, from the Committee on Enrollment, presented the following report, to-wit:



*Mr. President:*

The Committee on Enrollment beg leave to report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to distribute funds in the hands of the Disbursing Agent.

A Resolution in relation to the pay of Hon. C. C. Richardson, deceased.

A Resolution to pay Charles Patterson as Porter for this Convention.

A Resolution instructing the Finance Committee to report compensation for Hon. N. L. Angier, Disbursing Officer.

A Resolution fixing the hours of meeting and adjournment, and limiting debate.

A Resolution accepting the proposition of the City Council of Atlanta in regard to the removal of the State Capital.

Also, a Resolution requesting the General Commanding to provide for the pay of the Convention to March 11th.

W. A. FORT,

Chairman of the Committee on Enrollment.

Mr. Speer moved that when the Convention adjourned at 1 o'clock p. m., this day, it adjourn until 9 1-2 o'clock a. m., Monday.

The motion prevailed.

Paragraph three of section eight was taken up.



Mr. Parrott (Mr. Conley in the Chair) moved its adoption.

The motion was lost.

Mr. Blount moved that the same be stricken out.

Mr. Whiteley offered the following as a substitute for said paragraph, to-wit:

The County officers recognized as existing by the laws of this State, and not established by this Constitution, shall, where not otherwise provided for in this Constitution, be elected by the qualified voters of their respective Counties or Districts, and shall hold their offices for a period of four years. They shall be removable on conviction for malpractice in office, or on the address of two-thirds of the Senate.

Mr. Parrott moved to amend said substitute by striking out "four" and inserting in lieu thereof "two."

Mr. McCay proposed to amend by adding the following after the word "Districts," in said substitute, to-wit:

Except Clerks of the several Courts, who shall be chosen by the Judges thereof.

Pending action on said paragraph and proposed amendments, the hour of 1 o'clock p. m. arrived, and the President declared the Convention adjourned until 9 1-2 o'clock a. m., Monday.

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ATLANTA, GA., Monday, March 2, 1868.

The Convention met pursuant to adjournment, and was called to order by the President *pro tem*.



Prayer by the Rev. Mr. Turner.

The Journal was read.

Mr. Hotchkiss gave notice to make certain corrections in the Journal.

The motion being taken up, the Chair required the mover to place the same in writing.

It is as follows:

*Resolved*, That the Clerk be authorized to expunge from the records certain Resolutions, of Saturday, offered by the delegate from Milton, the delegate from Pike, and the delegate from Chatham.

Mr. Akerman rose to a point of order, assuming that the foregoing being a Resolution to expunge, and not a motion to reconsider, it could not be entertained, without a suspension of the Rule for that purpose.

The point of order was sustained by the Chair.

Leave of absence was granted Messrs. Crumley, Bigby, Parrott, Cameron and King.

The following communication, laid on the Secretary's desk, was taken up and read, to-wit:

CITY OF ATLANTA.

Clerk's Office, February 28, 1868.

*Hon. J. R. Parrott.*

Dear Sir—I am instructed by the Mayor and Council of Atlanta to transmit to you, for consideration of the State Convention, the enclosed communications and Resolutions.

Very respectfully,

Your obedient servant,

S. B. LOVE, *Clerk.*



COUNCIL CHAMBER,

Atlanta, Ga., February 28, 1868.

*The City Council of Atlanta to the Constitutional Convention, now in session in this City.*

GENTLEMEN—We take this opportunity to express to you, in the name of the whole people of Atlanta, our hearty thanks for the unanimity of your body in locating the Capital of Georgia in our thriving city. We desire to communicate through you, to your constituents, that the people of Georgia may rest assured the City of Atlanta will spare no pains, in an honest and earnest effort, to fully comply with all the pledges we have made your body. Your prompt acceptance of our offer with reference to the removal of the Capital, made after a majority of your body had expressed a preference for this city, and a vote of more than three-fourths of the Convention to locate the Capital in Atlanta, shows that the people of Georgia, in Convention assembled, have a proper appreciation of the spirit of the people of the Gate City of Georgia; and we beg to assure you that Atlanta will see to it that your confidence has not been misplaced.

The first Legislature elected under your Constitution will find us ready to give them proper accommodation and a hearty welcome.

We believe that this action of yours will give a new impetus to our city, and will stimulate us in our fixed purpose to improve the advantage bestowed on us by a prosperous Providence, to make Atlanta the leading city of the Empire State of the South, and to win the admiration of all her rivals, by the magnanimity of her people, and the cheerful greeting extended to all true Georgians, from the mountains to the seaboard.



*Resolved*, That the above address be spread upon the Minutes of our proceedings, and that the Clerk be instructed to transmit a copy to the Hon. J. R. Parrott, President, etc.

On motion of Councilman Cox, the foregoing was unanimously adopted.

I certify that the above and foregoing is a correct copy from the Minutes of the City Council of Atlanta.

[SEAL OF CITY.]

S. B. LOVE, *Clerk*.

On motion of Mr. McCay, it was

*Resolved*, That the foregoing communication be received and placed upon the Journal of the Convention.

The consideration of the unfinished business of Saturday was resumed, to-wit: The third paragraph of the eighth section of the Judiciary report, to which were pending a substitute, offered by Mr. Whiteley, and propositions to amend said substitute, by Mr. Parrott and Mr. McCay.

Mr. Miller called for the previous question, which was sustained.

The main question was put, to-wit: the adoption of the amendment of Mr. McCay.

The same was lost.

The amendment of Mr. Parrott was received.

The substitute of Mr. Whiteley was then adopted, as amended, and is as follows, to-wit:

The County officers recognized as existing, by the laws of this State, and not abolished by this Constitution, shall, where not otherwise provided for in the Constitu-



tion, be elected by the qualified voters of their respective Counties or Districts, and shall hold their offices for a period of two years. They shall be removable on conviction for malpractice in office, or on the address of two-thirds of the Senate.

Mr. Whiteley moved to amend the first paragraph of the ninth section, by inserting the following after the word "office," in the second line:

The District Judges and the District Attorneys shall receive, out of the County Treasuries of their Senatorial Districts, adequate compensation, which shall not be diminished during the term of office.

Mr. Akerman moved to amend, by inserting the words "and Solicitors" after the word "Attorney," in the first line of said paragraph.

The same was received.

Mr. Miller moved to amend the amendment of Mr. Whiteley, by inserting before the word "diminished" the words "increased or."

The same was received.

The amendment of Mr. Whiteley, as amended, was adopted.

Mr. Conley moved to amend said paragraph, by inserting after the word "salaries" the words "which shall be on the specie basis."

The same was received.

Mr. Miller proposed to amend the paragraph, as amended, by adding before the word "diminished," in the second line of the original, the words "increased or."



The amendment was agreed to, and the first paragraph of the ninth section adopted, as amended, and is as follows, to-wit:

The Judges of the Supreme and Superior Courts, and the Attorney and Solicitors-General shall have, out of the State treasury, adequate and honorable salaries, on the specie basis, which shall not be increased or diminished during their continuance in office. The District Judges and District Attorneys shall receive, out of the County Treasuries of their Senatorial Districts, adequate compensation, which shall be on the specie basis, and which shall not be increased or diminished during their term of office; but said Judges shall not receive any other perquisites, or emoluments, whatever, from parties, or others, on account of any duty required of them.

Mr. Bryant moved to amend the second paragraph of the ninth section, by striking out "seven years" and inserting "one year."

This amendment was withdrawn by the mover.

Mr. Conley proposed to amend said paragraph, by striking out "seven years" and inserting "three years."

Mr. Bryant moved to amend, by inserting after the word "State" the words "three years," and by striking out the word "therein," in the last line.

Mr. Bryant's amendment was accepted by Mr. Conley.

Mr. Parrott moved to amend said paragraph, by substituting "two years" for "seven years."

Mr. McCay offered the following, as a substitute for the original paragraph and pending amendments, to-wit:

No person shall be a Judge of the Supreme or Supe-



rior Courts, or Attorney-General, who shall not be, at his appointment, a citizen of the State, and shall have practiced law therein seven years.

The previous question was called and sustained.

The main question was put, and the substitute offered by Mr. McCay was not adopted.

The motion of Mr. Parrott, to amend, was lost.

The question recurring on the motion of Mr. Conley, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs:

Adkins,	Dinkins,
Alexander,	Dunning,
Anderson,	Dunnegan,
Ashburn,	Edwards,
Bedford,	Ellington,
Bentley,	Golden,
Beaird,	Guilford,
Baldwin,	Harris of Chatham,
Bell of Oglethorpe,	Harrison of Hancock,
Blodgett,	Higbee,
Bryant,	Hopkins,
Buchan,	Jackson,
Bullock,	Joiner,
Campbell,	Jones,
Casey,	Linder,
Clift,	Lumpkin,
Chatters,	Madden,
Claiborne,	Maul,
Chambers,	McHan,
Cobb of Houston,	Minor,
Costin,	Moore of Columbia,
Conley,	Murphy,
Crayton,	Neal,
Dailey,	Noble,



Palmer,	Strickland,
Pope,	Turner,
Reynolds,	Wallace,
Rice,	Wilber,
Sikes,	Whitaker,
Seeley,	Whitehead of Butts,
Stewart,	Williams,
Supple,	Woodey.
Stone,	

Those who voted in the negative, are Messrs:

Akerman,	Houston,
Angier,	Holcombe,
Bell of Banks,	Hutcheson,
Bowden of Campbell,	Jordan,
Bowden of Monroe,	Key,
Bowers,	Knox,
Blount,	Lott,
Bracewell,	Maddox,
Bryson,	Mathews,
Burnett,	Martin of Carroll,
Cameron,	Martin of Calhoun,
Christian of Newton,	Martin of Habersham,
Cooper,	McCay,
Crawford,	Miller,
Davis,	McWhorter,
Dews,	Moore of White,
Fields,	Robertson,
Flynn,	Smith of Coweta,
Fort,	Smith of Thomas,
Foster of Paulding,	Speer,
Gilbert,	Shumate,
Gove,	Stanley,
Griffin,	Trawick,
Harland,	Walton,
Harris of Newton,	Waddell,
Higden,	Whiteley.
Hotchkiss,	



There are yeas 65; nays 33. So the amendment of Mr. Conley was received, and the second paragraph of ninth section adopted, as amended, and is as follows, to-wit:

No person shall be Judge of the Supreme or Superior Courts, or Attorney-General, unless, at the time of his appointment, he shall have attained the age of thirty years, and shall have been a citizen of this State three years, and have practiced law for seven years.

Paragraph one of the tenth section was adopted without amendment.

The Convention adjourned until 3 o'clock p. m., this day.

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3 o'clock p. m.

The Convention met pursuant to adjournment.

Mr. Bryant, from the Committee on the Pay of Absent Members, made the following report:

Your Committee to whom was referred the question of pay of absent members, respectfully submit the following report:

We recommend that members who have been absent without leave of the Convention shall receive no pay for the time they have been absent, and that members having a general leave of absence from the Convention shall receive pay for six days of such absence, and no more, unless detained by reason of sickness of themselves or their immediate families.



We further recommend that the Auditing Committee be instructed to require each delegate to subscribe to the following certificate before his account is audited:

I, -----, do certify, upon honor, that I have been absent but ----- days without leave of the Convention, and that I have been absent by leave of the Convention but ----- days, unless detained by reason of sickness of myself or my immediate family.

J. E. BRYANT, *Chairman.*

Mr. Ashburn gave notice of his intention to offer a minority report on the same subject.

Mr. Higbee, from the Committee on Enrollment, submitted the following report, to-wit:

*Mr. President:*

The Committee on Enrollment beg leave to report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to authorize the Auditing Committee to audit accounts of members and others; also,

A Resolution asking aid of Congress for the Air Line Railroad.

W. A. FORT,

Chairman Committee on Enrollment.

The unfinished business of the morning was resumed, to-wit: the report of the Committee on the Judiciary Department.

Mr. Whiteley offered the following, as two additional paragraphs to the tenth section, to-wit:

The District Judges and Attorneys shall have at-



tained to the age of twenty-four years, be citizens of the United States and of this State, and have practiced law therein for three years.

The General Assembly shall provide for the equitable apportionment of the compensation of the District Judges and Attorneys between the Counties composing their Districts, and shall require the moneys arising from fines and forfeitures paid into the Treasuries thereof.

The first of said paragraphs was, on motion of Mr. Hotchkiss, laid on the table.

The second was adopted.

Mr. McCay offered the following, as an additional section to the report of the Committee on the Judiciary Department, to be inserted therein after the tenth section, to-wit:

1. No Court in this State shall have jurisdiction to try or determine any suit, against any resident of this State, upon any contract or agreement made or implied, or upon any contract made in renewal of any debt existing prior to the first day of June, 1865. Nor shall any Court or ministerial officer of this State have authority to enforce any judgment, execution, or decree, render or issue upon any contract or agreement made or implied, or upon any contract in renewal of a debt existing prior to the first day of June, 1865, except in the following cases:

1. In suits against trustees, where the trust property is in the hands of the trustee, or has been invested by him in other specific effects now in his hands, or in suits by the vendor of any real estate against the vendee, where not more than one-third of the purchase money has been



paid, and the vendee is in possession of the land or specific effects for which he has sold it, and he refuses to deliver the land or said effects to the vendor. In such cases, the Courts and officers may entertain jurisdiction and enforce judgments against said trust property, or land, or effects.

2. In suits for the benefit of minors, by trustees appointed before the first day of June, 1865.

3. In suits against corporations in their corporate capacity, but not so as to enforce the debt against the stockholders or officers thereof in their individual capacity.

4. In suits by charitable or literary institutions for money loaned, property—other than slaves—sold, or services rendered by such institutions.

5. In suits on debts due for mechanical or manual labor, when the suit is by the mechanic or laborer.

6. In cases when the debt is set up by way of defence, and the debt set up exceeds any debt due by defendant to plaintiff, of which the Courts are denied jurisdiction.

7. In all other cases in which the General Assembly shall, by law, give the said Courts and officers jurisdiction: *Provided*, that no Court or officer shall have, nor shall the General Assembly give, jurisdiction or authority to try or give judgment on, or enforce, any debt, the consideration of which was a slave or slaves, or the hire thereof.

II. All contracts made and not executed during the late rebellion, with the intention and for the purpose of aiding and encouraging said rebellion, or where it was



the purpose and intention of any one of the parties to such contract to aid or encourage such rebellion, and that fact was known to the other party, whether said contract was made by any person or corporation with the State or Confederate States, or by a corporation with a natural person, or between two or more natural persons, are hereby declared to have been and to be illegal; and all bonds, deeds, promissory notes, bills, or other evidences of debt, made or executed by the parties to such contract, or either of them, in connection with such illegal contract, or as the consideration therefor, or in furtherance thereof, are hereby declared *null* and *void*, and shall be so held in all Courts in this State, when attempts shall be made to enforce any such contract, or give validity to any such obligation or evidence of debt. And in all cases when the defendant, or any one interested in the event of the suit, will make a plea, supported by his or her affidavit, that he or she has reason to believe that the obligation or evidence of indebtedness upon which the suit is predicated, or some part thereof, has been given or used for the illegal purpose aforesaid, the burden of proof shall be upon the plaintiff to satisfy the Court and Jury that the bond, deed, note, bill, or other evidence of indebtedness, upon which said suit is brought, is or are not, nor is any part thereof, founded upon, or in any way connected with, any such illegal contract, and has not been used in aid of the rebellion, and the date of such bond, deed, note, bill, or other evidence of indebtedness, shall not be evidence that it has or has not, since its date, been issued, transferred or used in aid of the rebellion.

III. It shall be in the power of the General Assembly to assess and collect upon all debts, judgments, or causes



of action, when due, founded on any contract made or implied before the first day of June, 1865, in the hands of any one in his own right, or trustee, agent or attorney of another, on or after the first day of January, 1868, a tax of not exceeding twenty-five per cent., to be paid by the creditor, on pain of the forfeiture of the debt, but chargeable by him, as to one-half thereof, against the debtor, and collectable with the debt: *Provided*, That this tax shall not be collected, if the debt or cause of action be abandoned or settled without legal process, or, if in judgment, be settled without levy and sale: *And provided further*, This tax shall not be levied so long as the Courts of this State shall not have jurisdiction of such debts or causes of action.

Mr. Akerman rose to a point of order, assuming that the proposed section was identical with the Ordinance on the subject of relief, which, by its terms, was referred to the Judiciary Committee, and that, while in the hands of that Committee, it could not be acted upon by the Convention.

The point of order was overruled by the President.

Mr. Parrott (Mr. Conley in the Chair) proposed to amend the said section, by striking out all the exceptions therein.

Mr. Bullock called for the previous question, which was sustained.

The main question was put, to-wit: the amendment of Mr. Parrott.

Upon the question of receiving the same, the yeas and nays were required to be recorded.



Those who voted in the affirmative, are Messrs.

Ashburn,	Minor,
Bowden of Campbell,	Trammell,
Foster of Paulding,	Trawick.
Hutcheson,	

Those who voted in the negative, are Messrs.

Adkins,	Crayton,
Akerman,	Davis,
Alexander,	Dailey,
Anderson,	Dews,
Angier,	Dinkins,
Bedford,	Dunning,
Bentley,	Dunnegan,
Beaird,	Ellington,
Baldwin,	Fields,
Bell of Oglethorpe,	Fort,
Bell of Banks,	Gilbert,
Bowden of Monroe,	Goodwin,
Bowers,	Gove,
Blodgett,	Golden,
Blount,	Griffin,
Bryant,	Guilford,
Bracewell,	Harris of Chatham,
Bryson,	Harris of Newton,
Bullock,	Harrison of Hancock,
Burnett,	Higbee,
Campbell,	Higden,
Casey,	Hotchkiss,
Caldwell,	Houston,
Clift,	Holcombe,
Christian of Newton,	Hopkins,
Chatters,	Howe,
Chambers,	Jackson,
Cooper,	Joiner.
Cobb of Houston,	Jones,
Costin,	Jordan,
Crawford,	Key.



Knox,	Rice,
Lee,	Robertson,
Linder,	Sikes,
Lott,	Seeley,
Lumpkin,	Smith of Coweta,
Maull,	Smith of Thomas,
Mathews,	Speer,
Martin of Calhoun,	Shumate,
Martin of Carroll,	Stewart,
Martin of Habersham,	Supple,
McHan,	Stone,
McCay,	Strickland,
Miller,	Turner,
McWhorter,	Walton,
Moore of White,	Wallace,
Moore of Columbia,	Waddell,
Murphy,	Wilbur,
Neal,	Whitaker,
Noble,	Whitehead of Butts,
Palmer,	Whiteley,
Pope,	Williams,
Reynolds,	Woodey.

There are yeas 7; nays 106. So the amendment was not received.

Upon the question of adopting said section, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Alexander,	Blodgett,
Anderson,	Blount,
Bedford,	Bryant,
Bentley,	Bracewell,
Beaird,	Bullock,
Baldwin,	Burnett,
Bell of Oglethorpe,	Campbell,
Bowden of Campbell,	Casey,
Bowden of Monroe,	Caldwell,



Christian of Newton,	Lumpkin,
Chatters,	Maull,
Chambers,	McCay,
Cooper,	Minor,
Cobb of Houston,	McWhorter,
Costin,	Murphy,
Crayton,	Noble,
Davis,	Palmer,
Dews,	Pope,
Dinkins,	Reynolds,
Fort,	Rice,
Gilbert,	Robertson,
Goodwin,	Sikes,
Golden,	Seeley,
Guilford,	Speer,
Harris of Chatham,	Shumate,
Harris of Newton,	Stewart,
Harrison of Hancock,	Supple,
Hotchkiss,	Strickland,
Hopkins,	Trawick,
Howe,	Turner,
Jackson,	Walton,
Joiner,	Wilbur,
Jones,	Whitaker,
Jordan,	Whitehead of Butts,
Key,	Whiteley,
Lee,	Williams.
Linder,	

Those who voted in the negative, are Messrs.

Adkins,	Dailey,
Akerman,	Dunning,
Ashburn,	Dunnegan,
Bell of Banks,	Ellington,
Bowers,	Foster of Paulding,
Bryson,	Griffin,
Cameron,	Higbee,
Clift,	Higden,
Crawford,	Houston,



Holcombe,	Moore of White,
Hutcheson,	Moore of Columbia,
Knox,	Neal,
Lott,	Smith of Thomas,
Mathews,	Stone,
Martin of Carroll,	Trammell,
Martin of Calhoun,	Wallace,
Martin of Habersham,	Waddell,
McHan,	Woodey.
Miller,	

There are yeas 73; nays 37. So the section proposed by Mr. McCay was adopted, and as is previously reported on the Journal of this day.

Mr. Akerman offered the following, as an additional paragraph to the section proposed by Mr. McCay, and adopted, to-wit:

The Courts and Ministerial officers of this State shall have jurisdiction and authority to collect all debts due by third persons to trust estates, arising prior to June 1, 1865, notwithstanding the foregoing provisions.

Mr. Harris, of Newton, moved to lay the same on the table.

The motion did not prevail.

Mr. McCay rose to a point of order, assuming that the proposition of Mr. Akerman was in conflict with the provisions of the section to which it was proposed as an addition.

The point of order was overruled by the President *pro tem*. (Mr. Conley in the Chair.)

Mr. Whiteley moved the indefinite postponement of the foregoing proposition of Mr. Akerman.



Mr. Campbell called for the previous question, which was sustained.

The main question was put, and upon this, to-wit: the motion to indefinitely postpone, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Alexander,	Hopkins,
Anderson,	Howe,
Bedford,	Jackson,
Bentley,	Joiner,
Bell of Oglethorpe,	Jones,
Bowden of Campbell,	Jordan,
Bowden of Monroe,	Key,
Blodgett,	Linder,
Blount,	Lumpkin,
Bracewell,	Maul,
Bullock,	McCay,
Campbell,	Minor,
Casey,	McWhorter,
Caldwell,	Noble,
Chatters,	Reynolds,
Chambers,	Rice,
Cooper,	Rozar,
Cobb of Houston,	Robertson,
Costin,	Sikes,
Crayton,	Seeley,
Davis,	Speer,
Dews,	Shumate,
Dunning,	Stewart,
Fort,	Strickland,
Gilbert,	Trawick,
Gove,	Walton,
Golden,	Wilbur,
Harris of Chatham,	Whitaker,
Harris of Newton,	Whiteley,
Hotchkiss,	Williams.
Houston,	



Those who voted in the negative, are Messrs.

Adkins,	Lee,
Akerman,	Lott,
Ashburn,	Maddox,
Beaird,	Mathews,
Bell of Banks,	Martin of Carroll,
Bowers,	Martin of Calhoun,
Bryant,	Martin of Habersham,
Bryson,	McHan,
Cameron,	Miller,
Clift,	Moore of White,
Christian of Newton,	Moore of Columbia,
Crawford,	Murphy,
Dinkins,	Neal,
Dunnegan,	Palmer,
Ellington,	Smith of Coweta,
Fields,	Smith of Thomas,
Foster of Paulding,	Supple,
Griffin,	Stanley,
Guilford,	Stone,
Harrison of Hancock,	Trammell,
Higbee,	Turner,
Higden,	Wallace,
Holcombe,	Waddell,
Hutcheson,	Woodey.
Knox,	

There are yeas 61; nays 49. So the motion to postpone indefinitely prevailed.

Mr. Bedford offered the following, as an independent paragraph, to follow the section of Mr. McCay, to-wit:

*Provided*, That no part of the Relief Ordinance shall be so construed as to deny jurisdiction of any Court or ministerial officer of this State from enforcing any contract or obligation due in fiduciary capacity.

Mr. McCay rose to a point of order, stating that the



proposition could not be entertained, because inconsistent with the section just adopted.

The President *pro tem.* decided that the proposition was inconsistent with said section, but that it was the province of the Convention to rule it out of order, and not of the Chair.

On motion of Mr. McCay, the Convention ruled said proposed paragraph out of order.

The first paragraph, eleventh section, of the original report was adopted without amendment.

Mr. Bryant moved to amend the second paragraph of said section, by adding, after the word "committed," in the first line, the following: "unless the Governor shall remove the case to a Court in some other County or."

The same was not received.

The first and second paragraphs of the eleventh section were adopted without amendment.

The third paragraph was amended, on motion of Mr. Akerman, by substituting the word "where" for the word "when," after the word "except" in the first line, and adopted as amended.

The fourth paragraph was amended, on motion of Mr. Akerman, by substituting the word "relief" for the word "aid," and adopted as amended.

The fifth, sixth and seventh paragraphs of said section were adopted without amendment.

On motion of Mr. Akerman, the first paragraph of the original twelfth section was amended, by substituting "this" for "the," before the word "Constitution."



Mr. Dunning proposed to add the following, at the end of said paragraph:

And where the Jury shall be composed of twelve men, the verdict of nine Jurors shall be sufficient to determine the matter submitted to the Jury, either civil or criminal.

Mr. Akerman offered the following, as a substitute for the foregoing amendment of Mr. Dunning:

The General Assembly shall have power to change the law which requires a unanimous verdict.

This substitute was accepted by Mr. Dunning, who, by consent, withdrew his amendment.

Previous question was called for and sustained.

The main question was put, to-wit: the proposed amendment of Mr. Akerman.

The same was not received, and the first paragraph, twelfth section, was adopted as amended.

On motion of Mr. Bedford, the Convention adjourned until 9 1-2 o'clock a. m., to-morrow.

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ATLANTA, GA., Tuesday, March 3, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Bedford moved a reconsideration of so much thereof as relates to the adoption of the section on relief, offered by Mr. McCay.



The previous question was called for and sustained.

The main question was put, and the yeas and nays required to be recorded thereon.

Those who voted in the affirmative, are Messrs.

Akerman,	Harrison of Carroll,
Angier,	Harrison of Hancock,
Ashburn,	Higbee,
Bedford,	Higden,
Bentley,	Houston,
Beaird,	Holcombe,
Bell of Banks,	King,
Bowers,	Lott,
Bryant,	Maddox,
Bracewell,	Mathews,
Bryson,	Martin of Calhoun,
Campbell,	Martin of Habersham,
Cameron,	McHan,
Clift,	Moore of White,
Cobb of Houston,	Neal,
Crawford,	Palmer,
Crayton,	Rozar,
Dailey,	Seeley,
Dunning,	Smith of Thomas,
Dunnegan,	Stewart,
Fields,	Stanley,
Flynn,	Trammell,
Foster of Paulding,	Wallace,
Golden,	Waddell,
Guilford,	Woodey.

Those who voted in the negative, are Messrs.

Adkins,	Bowden of Monroe,
Alexander,	Blodgett,
Anderson,	Blount,
Bell of Oglethorpe,	Bullock,
Bowden of Campbell,	Burnett,



Catching,	Lee,
Casey,	Linder,
Caldwell,	Lumpkin,
Christian of Newton,	Maull,
Chatters,	McCay,
Chambers,	Minor,
Cooper,	Miller,
Conley,	McWhorter,
Costin,	Moore of Columbia,
Davis,	Murphy,
Dews,	Noble,
Dinkins,	Pope,
Ellington,	Prince,
Fort,	Reynolds,
Gibson,,	Rice,
Gilbert,	Robertson,
Goodwin,	Sikes,
Gove,	Smith of Coweta,
Griffin,	Speer,
Harris of Chatham,	Shumate,
Harris of Newton,	Supple,
Hotchkiss,	Stone,
Hopkins,	Strickland,
Howe,	Trawick,
Hutcheson,	Turner,
Jackson,	Walton,
Joiner,	Wilbur,
Jones,	Whitaker,
Jordan,	Whitehead of Butts,
Key,	Whiteley.
Knox,	

There are yeas 50; nays 71. So the motion to reconsider did not prevail.

Mr. Smith, of Thomas, moved the reconsideration of so much of the Journal of yesterday as relates to the action of the Convention in postponing indefinitely the



paragraph proposed by Mr. Akerman, as additional to the section adopted on the subject of relief.

Mr. Waddell rose to a point of order, assuming that the subject-matter of relief had been previously reconsidered by the Convention, and that the motion, to reconsider the action of yesterday, by Mr. Bedford, which the Convention refused to do, embraced the subject-matter of the pending motion, which, therefore, could not be entertained.

The President overruled the point of order.

Mr. Whiteley moved the indefinite postponement of the motion to reconsider.

Mr. McCay called for the previous question, which was sustained.

The main question was put, and upon this Mr. Smith, of Thomas, required the yeas and nays to be recorded.

Those who voted in the affirmative, are Messrs.

Alexander,	Cooper,
Anderson,	Costin,
Bell of Oglethorpe,	Conley,
Bowden of Campbell,	Crayton,
Bowden of Monroe,	Cotting,
Blodgett,	Davis,
Blount,	Dews,
Bullock,	Dinkins,
Burnett,	Fort,
Campbell,	Gibson,
Catching,	Gilbert,
Casey,	Goodwin,
Caldwell,	Gove,
Christian of Newton,	Golden,
Chatters,	Griffin,
Chambers,	Harris of Chatham,



Harris of Newton,	Prince,
Harrison of Hancock,	Reynolds,
Higden,	Robertson,
Hotchkiss,	Sikes,
Hopkins,	Seeley,
Howe,	Smith of Coweta,
Jackson,	Speer,
Joiner,	Shumate,
Jones,	Stewart,
Jordan,	Supple,
Key,	Stone,
Linder,	Strickland,
Lumpkin,	Trawick,
Madden,	Turner,
Maull,	Walton,
McCay,	Wilbur,
Minor,	Whitaker,
McWhorter,	Whitehead of Butts,
Moore of Columbia,	Whiteley,
Noble,	Williams.

Those who voted in the negative, are Messrs.

Adkins,	Dunning,
Akerman,	Dunnegan,
Ashburn,	Ellington,
Bedford,	Fields,
Bentley,	Flynn,
Beaird,	Foster of Paulding,
Baldwin,	Guilford,
Bell of Banks,	Higbee,
Bowers,	Houston,
Bracewell,	Holcombe,
Bryson,	Hutcheson,
Cameron,	King,
Clift,	Knox,
Cobb of Houston,	Lee,
Crawford,	Lott,
Crumley,	Maddox,
Dailey,	Mathews,



Martin of Carroll,	Rice,
Martin of Calhoun,	Rozar,
Martin of Habersham,	Saffold,
McHan,	Smith of Thomas,
Miller,	Stanley,
Moore of White,	Trammell,
Murphy,	Wallace,
Neal,	Waddell,
Palmer,	Woodey.
Pope,	

There are yeas 73; nays 53. So the motion to indefinitely postpone prevailed.

Mr. Miller moved a suspension of the Rule, for the introduction of the following Resolution, to-wit:

WHEREAS, It is the duty of the Government of a State to extend to the great industrial pursuits of agriculture and manufactories proper aid and encouragement at all times, but especially at periods of unusual difficulty and pressure—

*Resolved*, That, in the opinion of this Convention, the freight charged by the Western and Atlantic Railroad, on lime and other manures, for agricultural purposes; on coal, pig iron, and all raw material used for manufacturing purposes within the limits of this State, should be no higher than such a rate as will pay the cost of transportation.

*Resolved*, That the Superintendent of the Western and Atlantic Railroad be, and he is hereby, requested to reduce the freight on the foregoing class of articles to one cent a ton per mile, or as near that rate as can be done without actual loss to the State.

*Resolved*, That a copy of this Preamble and Resolu-



tion be forwarded to the Provisional Governor, and to the Superintendent of the Western and Atlantic Railroad.

The previous question was called for by Mr. Whiteley, and sustained.

The main question was put, and the motion to suspend the Rule did not prevail.

The Rule was suspended, when,

Mr. Ashburn offered the following, which, on his motion, was referred to the Committee on Miscellaneous Matter, to-wit:

We, the Representatives of the people of Georgia, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the Ordinance of Secession adopted by the people of Georgia, in Convention assembled, on the 19th day of January, 1861, and all Acts, and parts of Acts, done under and by the authority of said Ordinance, and the Ordinance itself, be, and they are hereby, declared repealed, rescinded, abrogated, null and void, having no legal, binding force whatever.

On motion of Mr. Bullock, the Rule was suspended, for the introduction of the following Resolution, to-wit:

*Resolved*, That the Auditing Committee be, and are hereby, instructed to issue warrants, in lieu of the scrip in accordance with second section of "an Ordinance to provide the means of defraying the expenses of this Convention, and the compensation of officers and members," adopted February 8th, 1868; said warrants being duly countersigned by the Disbursing Agent of this Convention, and by the Comptroller-General of the State.



Mr. Martin, of Habersham, proposes to amend, by adding the following:

*Resolved*, That the Tax Collectors pay to the holders of scrip or warrants, so far as they have money to do so, when presented.

This amendment was lost, and the Resolution of Mr. Bullock was adopted without amendment.

Mr. Bryant rose to a question of privilege relative to an editorial which appeared in the *Atlanta Daily Intelligencer*, of this date.

The President decided it out of order for any member to rise to a question of privilege on articles which appear in the press, unless for the purpose of explaining words used by himself in debate, which have been misrepresented.

On motion of Mr. Seeley, Mr. Bryant was permitted to proceed with his personal explanation, which appears in the phonographic reports of the Convention.

The unfinished business of yesterday was resumed, to-wit: the report of the Judiciary Committee, the second paragraph of the original twelfth section thereof being first in order.

Mr. Costin proposed to amend the same, by striking out all after the word "Jurors," in the second line, and inserting the following:

There shall be no distinction between the classes of persons who compose Grand and Petit Juries. Jurors shall receive adequate compensation for their services, to be prescribed by law.

Mr. Campbell offered the following, as a substitute:



The General Assembly shall provide, by law, for the selection of Jurors, who may receive fees or compensation for their services, fixed by law.

Mr. Bryant proposed to amend said original paragraph, by striking out the whole of the first line and the words "as Jurors," in the second line, and by striking out the whole of the third line.

Mr. Akerman moved to amend the substitute offered by Mr. Campbell as follows:

The General Assembly shall have no power to grant special exemptions from Jury duty to persons, or classes, who may be liable to such duty under the general law.

On motion of Mr. Trammell, debate on the pending subject-matter was ordered to cease.

The amendment of Mr. Akerman, of Mr. Bryant, and the substitute offered by Mr. Campbell, were lost.

The question recurring on the amendment of Mr. Costin, the same was received, and the paragraph, as amended, adopted.

Mr. Akerman offered the following, as an amendment to the first paragraph of the thirteenth section, to-wit: Strike out all after the word "to," following the word "transferred," in the second line, and insert the following: "Such tribunals as the General Assembly may designate."

The previous question was called for, and sustained.

The main question was put, and the foregoing amendment was received. The paragraph, as amended, was adopted.



Mr. Akerman offered the following, as an additional paragraph to the thirteenth section, to-wit:

The General Assembly shall have power to provide for the creation of County Commissioners in such Counties as may require them, and to define their duties.

The same was adopted.

Mr. McCay offered the following, as an additional paragraph, to-wit:

The records, papers and proceedings of the several County Courts in the State are hereby transferred to the care and custody of the Superior Courts herein established in the several Counties; and the cases undecided, and judgments unperformed, pending therein, or issued therefrom, shall be decided and performed by the Superior Courts, wherever the said Superior Courts have, by this Constitution, granted to them jurisdiction over the cause of action on which said cases, civil or criminal, are founded.

The same was not adopted.

Pending the question of adopting the report of the Committee, as amended, the hour of 1 o'clock p. m. arrived, and the Convention adjourned until 3 o'clock p. m. this day.

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3 O'CLOCK P. M.

The Convention met pursuant to adjournment.

The roll was called and a quorum found present.

On motion of Mr. Bedford the Rule was suspended,



when Mr. Martin, of Habersham, offered the following Resolution, which was taken up:

The Disbursing Agent having in his hands fifteen thousand dollars for the use of this Convention: It is, therefore,

*Resolved*, That the Auditing Committee be required to issue vouchers to such only as are members and officers, as appears from the records of this Convention, not to embrace such as have never attended the same; and that the Disbursing Agent pay to each member and officer of this Convention having such voucher the sum of sixty-five dollars, out of such fund, and that the balance of said fifteen thousand dollars be applied to contingent expenses.

Mr. Akerman moved to refer said Resolution to the Auditing Committee.

The previous question was called, and sustained.

The main question was put, and the motion of Mr. Akerman lost.

The Resolution of Mr. Martin, of Habersham, was agreed to.

Mr. Noble moved a suspension of the Rule for the introduction of the following Resolution:

*Resolved*, That all delegates in this Convention who refuse to sign and support the Constitution adopted by the members thereof, shall receive no pay.

The previous question was called for, and sustained.

The main question was put, and lost.

On motion of Mr. Bryant, the report of the Committee



on the Pay of Absent Members was taken up, the same having been placed in full upon the Journal of yesterday.

Mr. Hopkins proposed to amend the same, by adding, "or obtained by the military authorities."

Mr. Murphy moved to amend, by adding:

That all delegates who have been in attendance on this Convention be allowed pay for six days' absence.

The previous question was called for, and sustained.

The main question was put, and the amendments of Mr. Murphy and Mr. Hopkins were lost.

The report was then adopted without amendment.

The unfinished business was resumed, to-wit: the report of the Judiciary Committee.

Mr. Whiteley offered the following, as an additional paragraph, to be added to section thirteen, to-wit:

Such civil jurisdiction may be conferred on the District Judges as the General Assembly may direct.

The same was adopted.

Mr. Blodgett offered the following, as an additional paragraph to said thirteenth section:

Notaries Public shall be appointed and commissioned by the Governor, not to exceed one for each Militia District, for a term of four years, and shall be *ex-officio* Justices of the Peace.

The same was adopted.

The report of the Judiciary Committee was, on motion of Mr. Whiteley, adopted, as amended, and referred to the Committee on Revision.



Mr. Blount offered the following Resolution :

*Resolved*, That a Committee of seven be appointed, to investigate the accounts against this Convention.

The same was, on motion, indefinitely postponed.

Leave of absence was granted Mr. Saulter, on account of sickness.

Mr. Hopkins offered the following Resolution, which was taken up and adopted :

*Resolved*, That the pay that was due Aaron A. Bradley by this Convention, up to the day of his expulsion, be paid by the Disbursing Officer to his order, in the same manner and on the same terms as other members.

On motion of Mr. Miller, the report of the Committee on Militia was taken up.

On motion of Mr. Whiteley, the same was adopted without amendment, and referred to the Committee on Revision, the same having been previously spread in full upon the Journals of this Convention.

On motion of Mr. Akerman, the report of the Judiciary Committee on the subject of the qualifications of members of the first General Assembly, under this Constitution, was taken up.

The previous question was called for, and sustained.

The main question was put, and the Ordinance reported by said Committee adopted without amendment.

The same has been spread in full on the Journal of the Convention of a previous day.

Mr. Hotchkiss, from the Committee on Miscellaneous



Matter, offered the following report, which was taken up and read:

WHEREAS, All the civil officers of the State are only provisional, until this State is represented in Congress; and whereas, the interest of Georgia requires that all the civil offices shall be filled by loyal citizens, according to the provisions of the Constitution being framed by this Convention, at the earliest practical moment, and for the purpose of avoiding any unnecessary delay or loss of time, and useless expense to the State: It is ordained that an election be held on ----- day of April, (at such places as may be designated by the Commanding General of the District,) for voting on ratification of the Constitution, for the election of Governor, members of the General Assembly, Representatives to the Congress of the United States, and all other officers to be elected as provided in this Constitution.

And at said elections on the ratifications of the Constitution, and for Governor, members of Congress, members of the General Assembly, and all other civil officers, the qualification for voters shall be the same as prescribed by the Act of Congress, known as the Sherman Bill, for voters at the election on the ratification of the Constitution, and at all elections under the provisional government. And Major-General Meade is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made, and certificate of election to issue, by the proper officers. And be it further ordained, that the regulations established by Congress for voting upon the ratification of the Constitution, and for voting at elections under the provisional government, shall apply to the election of officers as aforesaid, and the persons so elected shall con-



tinue in office till the regular succession provided for after the year 1868, and until successors are elected and qualified.

Upon any voter being challenged, he shall take the following oath:

You do solemnly swear (or affirm) that you have been duly registered agreeably to the Acts of Congress; that you have not prevented, or endeavored to prevent or dissuade, any person from voting at this election; that if the Constitution upon which the vote is now being taken is ratified, that you will truly and faithfully support it. So help you God.

Said report was ordered to lay on the table for the present, and that two hundred copies thereof be printed for the use of the Convention.

On motion of Mr. Bryant, the report of the Convention on Education was taken up.

Before any action thereon, the Convention adjourned until 9 1-2 o'clock a. m., to-morrow.

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ATLANTA, GA., Wednesday, March 4, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Trawick.

The Journal was read.

On motion of Mr. Murphy, so much thereof was reconsidered as related to the adoption of the report of the Committee on the Pay of Absent Members.



The same was again adopted without amendment.

Mr. Blount moved a suspension of the Rule for the introduction of the following Resolution:

Resolution directing the Committee upon Printing, forthwith, to contract for the printing of five thousand copies of the Constitution in pamphlet form, and fifteen hundred copies of the Journal, and fifteen hundred copies of the Debates.

Sec. I. *Be it Resolved*, That the Committee upon Printing forthwith contract for the printing of five thousand copies of the Constitution in pamphlet form, and fifteen hundred copies of the Journal, and fifteen hundred copies of the Debates; and that the sum of two hundred dollars be allowed for making out and arranging the index for the Journal, and bring up the unfinished business of the Convention, and correcting a proof-sheet of the Journals; and that a copy be forwarded to each delegate of this Convention, and to each Ordinary and each Clerk of the Courts of each County in the State.

The motion to suspend the Rule did not prevail.

On motion of Mr. Miller, the Rules were suspended, when he made a motion that, when the Convention adjourn, at 1 o'clock p. m., this day, it adjourn until 9 1-2 a. m., to-morrow, for the purpose of affording time for the Committee on Revision to prosecute the duties assigned them in revising the Constitution.

Mr. Conley proposed to amend said motion, by adding thereto, "and that this session of the Convention will adjourn on Wednesday, 11th March instant, at 12 o'clock, M."

Mr. Bryant moved to amend the amendment of Mr.



Conley, by striking out all after the word "that" and inserting "the pay of members cease on the 11th day of March instant.

The previous question was called for by Mr. Speer, and sustained.

The main question was put, and the amendment of Mr. Bryant lost.

The amendment of Mr. Conley was received.

The motion of Mr. Miller, as amended, prevailed.

On motion of Mr. Martin, of Habersham, the Rule was suspended, for the introduction of the following Resolutions:

*Resolved*, That the Auditing Committee report to this Convention, on to-morrow morning, or as soon as convenient, how many members and officers there are properly belonging to this Convention, not to include such as have never attended the same; and the amount due to each member and officer, as appears from the record, for their *per diem* and mileage pay, up to the 11th of this instant.

*Resolved*, That the Finance Committee report, also, to this Convention, on to-morrow morning, or as soon as convenient, how much and to whom they have paid any moneys appropriated by the Convention for that purpose.

The same was amended, on motion of Mr. Whiteley, by substituting for the word "convenient" the word "practicable."

The same was further amended, on motion of Mr. Trammell, by adding thereto the following, at the close of the first clause: "and amounts which have been audit-



ed by said Committee as contingent expenses, and to whom said claims were due.”

The Resolution, as amended, was adopted.

The unfinished business resumed, to-wit: the report of the Committee on Education.

Mr. Turner moved a suspension of the Rule, for the introduction of a Resolution extending the privilege of one hour’s speech to Mr. Caldwell, Chairman of the Committee on Education.

The Rule was suspended.

Mr. Blodgett offered the following Resolution:

*Resolved*, That Mr. Caldwell be allowed to speak one hour on the Educational Report.

Mr. Hotchkiss moved to amend by extending the same privilege to all who may desire to speak in reply.

Mr. Murphy moved to amend, by extending the privilege of one hour to one member in reply to the Chairman.

Mr. Parrott offered to amend, by extending the same privilege to all who may desire to discuss the report.

The same was adopted.

Pending action on the final adoption of the same, the whole subject-matter, on motion of Mr. Stone, was laid on the table.

Mr. Smith, of Coweta, presented the following report:

*Mr. President:*

Your Committee, to whom was referred the claims of certain parties, for services rendered before the permanent organization of the Convention, beg leave to report



that we find the claims of Patrick Fitzgibbon and Harry Camp well founded, and hereby recommend that five dollars *per diem* be paid each for three days.

The report was taken up and adopted.

Leave of absence was granted Mr. Akerman, after to-morrow, on important business, and the leave previously granted to Mr. Hooks extended a few days, on account of continued indisposition.

On motion of Mr. Whiteley, the report of the Committee on Education was taken up by sections.

Mr. Welch offered the following, as a substitute for the entire report:

## SECTION I.

### UNIFORM SYSTEM OF COMMON SCHOOLS.

The general diffusion of learning and knowledge being essential to the perpetuity and welfare of good government, as well as the peace and good order of society, it shall, therefore, be the duty of the Legislature, at its first setting after the ratification of this Constitution, to provide liberally for general and uniform system of Common Schools, wherein tuition shall be without charge, and open equally to all persons from the age of five to twenty-one years.

## SECTION II.

### HIGHER BRANCHES OF LEARNING AND SCIENCE.

Separate public institutions for learning may be established by law for such scholars and persons as may wish to be instructed in the higher branches of learning



and science, provided such schools or institutions do not receive any portion of their support from the Common School Fund of this State.

### SECTION III.

#### COMMON SCHOOL DISTRICTS.

The Legislature shall divide the State into Common School Districts, so as to make each Militia District a School District, and shall not provide for less than one school and school house in each District where there are sufficient scholars for a school. In Districts where there are more scholars than enough for one school, shall increase the number of schools and school houses, so as to accommodate all the scholars in the District. The Legislature shall also provide for the erection of suitable school houses in each District in the State.

### SECTION IV.

#### STATE SUPERINTENDENT—APPOINTMENT AND DUTIES.

It shall be made the duty of the Governor to appoint, with the advice and consent of the Senate, a good and competent person, who shall act as Superintendent of the Common Schools of the State. He shall hold his office for the same length of time as the Governor, and shall receive such salary as the Legislature shall fix by law. It shall be the duty of the Superintendent to recommend and prescribe, for the use of all the Common Schools of the State, a complete and uniform series of the best and most approved text books. It shall also be his duty to visit and make himself acquainted with the true condition and wants of the several School Districts in the



State; shall make an annual report to the Legislature, at the early part of its session, giving such general and particular information as, in his judgment, the public interest may require.

## SECTION V.

### BOARD OF EXAMINING COMMITTEE.

There shall be elected or appointed, as the Legislature may determine, three competent men, who shall constitute a Board of Examining Committee for each County in this State, whose duty it shall be to examine all applicants who may apply to become teachers in any of the Common or Primary Schools of their respective Counties, and, after a careful and full examination of the applicants, both as to their moral character and literary qualifications, and if found so qualified, shall give the applicant a written certificate of his or her competency to engage as teacher in any of the Primary Schools in their County; it shall also be made the duty of one or more of the members of the Board to visit each District School in their County twice each term, once at or near the commencement of the term, and once at or near the close. They shall make to the State Superintendent a concise report of the length of the term, number of scholars in each School District, number in usual attendance, the kind of discipline and general character of the schools in their respective Counties. The Legislature shall provide just compensation for the services of the Boards of Examining Committees.



## SECTION VI.

## DISTRICT SCHOOL AGENT AND DUTIES.

The Legislature shall provide for the election, by the citizens of each School District, of one suitable man as School Agent for each School District, whose duty it shall be to employ teachers in each school in his District: And shall not be allowed to employ any person not having a written certificate from the Board of Examining Committee of his County, not in date older than twelve months.

It shall be his duty to see that the school houses are in a comfortable condition, and supplied with such necessary furniture and conveniences as will make the scholars and teachers comfortable; paying for the same out of the money allotted his District, unless otherwise provided for.

Mr. Harris, of Chatham, offered the following substitute:

The Legislature, at its first session after the adoption of this Constitution, shall provide a thorough system of General Education, to be forever free to all the children of the State, the expenses of which shall be provided for by tax, levy, or otherwise.

The office of the State School Commissioner is hereby created; the State School Commissioner to be appointed by the Governor, confirmed by the Senate, and to hold his office for the same term of years as the Governor, and at the State Capitol; and the Legislature shall provide for the said Commissioner a competent salary and necessary clerical assistance.

Mr. McCay proposed to amend the substitute of Mr. Harris as follows:



The poll tax allowed by this Convention, any educational fund now belonging to the State, or that may hereafter be obtained in any way, a special tax on shares, and on the sale of spirituous and malt liquors, which the General Assembly is hereby authorized to assess, the proceeds of the commutation for militia service, and at least one-fifth and not more than one-third of the general State tax of the State, if needed, is hereby set apart and donated to the purposes of Common Schools.

### RESOLUTION.

*Resolved*, That the President of this Convention do appoint the Chairman of the Committee on Education, and two other persons, as a Commission to digest and report to the next General Assembly a system of Common Schools for the people of this State.

Mr. Whiteley moved that one hundred and fifty copies of the foregoing substitutes, and of the amendment, be printed for the use of the Convention.

The motion was so amended as to include a substitute by Mr. Seeley, and one by Mr. Angier, and agreed to as amended.

The Convention, on motion, adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Thursday, March 5, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.



The leave of absence granted Mr. Potts was extended, because of his detention by subpœna at the Superior Court of his County.

Leave of absence was granted Mr. Robertson for one day, and Mr. Powell on account of sickness.

The unfinished business of yesterday was resumed, to-wit: the report of the Committee on the subject of education, to which were pending, at the time of adjournment, two substitutes—one offered by Mr. Welch, the other by Mr. Harris of Chatham; also, an amendment by Mr. McCay to the substitute of Mr. Harris of Chatham.

Said amendment was accepted by Mr. Harris.

Mr. Parrott (Mr. Conley in the Chair) proposed to amend the same as follows, to-wit: Strike out all the words “militia service” and insert the following:

Are hereby set apart and devoted to the purposes of Common Schools. And if the provisions herein made shall at any time prove insufficient, the General Assembly shall have power to levy such general tax upon the property of the State as may be necessary for the support of said school system.

Mr. Saffold offered the following Resolution:

*Resolved*, That all reports, amendments and substitutes now pending before the Convention, upon the subject of education, be referred to a Special Committee, consisting of Messrs. Caldwell, McCay, Akerman, Harris of Chatham, Angier, Miller, Welch, Parrott, Turner and Anderson, with instructions to report to-morrow morning.

The same was not agreed to.



Mr. Akerman moved that debate cease on the subject of education at 12 o'clock m., to-day.

The motion did not prevail.

The amendment of Mr. Parrott was received.

Mr. Miller proposed to amend the amendment of Mr. McCay, by inserting after the word "State," in the first line, the following: "except the endowment of and the debt due to the State University."

The same was accepted by Mr. McCay.

On motion of Mr. Murphy, the Resolution appended to the amendment of Mr. McCay was stricken out.

Mr. Whiteley moved to amend the adopted amendment of Mr. Parrott, by adding, at the conclusion thereof, the following:

And there shall be, at the earliest moment practicable, one or more Common Schools for each School District in this State.

The same was received.

Mr. Turner moved to amend the amendment of Mr. McCay, by striking out the words "on the sale of spirituous and malt liquors."

Mr. Parrott called for the previous question, which was sustained.

The main question was put, and the amendment of Mr. Turner lost.

The question recurring on the adoption of the substitute, as amended, the same was adopted.



The report, as amended, was also adopted, and is as follows, to-wit:

The General Assembly, at its first session after the adoption of this Constitution, shall provide a thorough system of general education, to be forever free to all the children of the State, the expense of which shall be provided for by taxation, or otherwise.

The office of State School Commissioner is hereby created; the State School Commissioner to be appointed by the Governor, confirmed by the Senate, and to hold his office for the same term of years as the Governor, and at the State Capitol; and the Legislature shall provide for the said Commissioner a competent salary and necessary clerical assistance.

The poll tax allowed by this Constitution, any educational fund now belonging to the State, except the endowment of and debt due to the State University, or that may hereafter be obtained in any way, a special tax on shows and exhibitions, and on the sale of spirituous and malt liquors, which the General Assembly is hereby authorized to assess, and the proceeds of the commutation for militia service, are hereby set apart and devoted to the support of Common Schools: And if the provisions herein made shall, at any time, prove insufficient, the General Assembly shall have power to levy such general tax upon the property of the State as may be necessary for the support of said school system. And there shall be established, as soon as practicable, one or more Common Schools in each School District in this State.

On motion of Mr. Whiteley, the foregoing report was referred to the Committee on Revision.



On motion of Mr. Bryant, the Rule was suspended, and it was

*Resolved*, That when the Convention adjourns, this day, at 1 o'clock p. m., it do adjourn until 9½ o'clock a. m., to-morrow.

As Chairman of the Committee on Franchise, to whom a Resolution relative to the redistricting the State into Congressional Districts was referred, Mr. Bryant desired to be instructed by the Convention as to whether said Committee, in the performance of its duties, should base Congressional representation on the actual or Federal population.

Mr. Miller offered the following Resolution:

*Resolved*, That the Committee on Franchise be instructed to arrange the Congressional Districts on the basis of representation and census of 1860.

Mr. Bullock offered the following amendment, which was accepted by Mr. Miller:

The Committee be instructed to report, leaving the Districts just as they now are.

The Resolution, as amended, was adopted.

Mr. Davis offered the following, which was read, and, on motion, referred to the Judiciary Committee:

The laws now, and hereafter to remain, of paramount authority in the State of Georgia are, first, the Constitution of the United States and laws of the Congress of the said United States, enacted in pursuance of said Constitution, and all treaties made under authority of said United States.



The law next in force, and subordinate to the aforesaid Constitution, laws and treaties, in the State of Georgia, shall be this Constitution.

The laws next in authority in Georgia shall be those contained in the Code of Georgia, as revised by the Hon. David Irwin; also, so much of the common and statute laws of England, and of the statute law of Georgia, as is now of force, and not embodied in said revised code, nor inconsistent therewith. Local and private statutes, not unconstitutional, enacted for the benefit of counties, cities, towns, corporations, and private persons, and now of force, shall so remain, until they are rendered void by their own limitation, or by judicial decision. The judgments, orders, decrees, and all other lawful acts and doings of the several Courts of Georgia, so far as the same were within the respective jurisdictions of said Courts, are hereby ratified and confirmed, so far as they have not already been, or may hereafter be, on a final hearing, reversed, annulled and set aside, under such proceedings as are in due conformity to law.

All rights, immunities and privileges (always, however, limited by the provisions of this Constitution in this behalf) which have vested in or accrued to any person, or persons, natural or artificial, in his, her, or their, own right, or in a fiduciary capacity, by virtue of any law duly of force in this State, or by virtue of any judgment, order, decree, or other proceedings of any Court of this State, having jurisdiction (subject to be annulled and set aside as hereinbefore specified), shall be held and adjudged, by all the Courts of Georgia, sacred and inviolate, except when attacked for fraud.

Leave of absence was granted Mr. Lumpkin, on account of sickness of his family.



On motion of Mr. Whiteley, the Convention adjourned until 9 1-2 o'clock a. m., to-morrow.

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ATLANTA, GA., Friday, March 6, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Conley moved a reconsideration of so much thereof as relates to the adoption of the Resolution of Mr. Miller on the subject of redistricting the State for Congressional representation.

On the question of reconsideration the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Cobb of Houston,
Alexander,	Costin,
Anderson,	Conley,
Ashburn,	Crayton,
Bedford,	Davis,
Bentley,	Dinkins,
Bell of Oglethorpe,	Dunning,
Blodgett,	Edwards,
Bryant,	Fort,
Bullock,	Gove,
Campbell,	Golden,
Catching,	Guilford,
Casey,	Harris of Chatham,
Caldwell,	Harrison of Hancock,
Clift,	Higbee,
Chatters,	Hotchkiss,
Chambers,	Hopkins,



Joiner,	Sherman,
Linder,	Smith of Coweta,
McCay,	Stewart,
McWhorter,	Stone,
Moore of Columbia,	Strickland,
Murphy,	Turner,
Noble,	Walton,
Palmer,	Wallace,
Pope,	Welch,
Potts,	Wilbur,
Prince,	Whitaker,
Rice,	Whitehead of Burke,
Sikes,	Whitehead of Butts,
Shields,	Whiteley,
Seeley,	Williams.

Those who voted in the negative, are Messrs.

Akerman,	Goodwin,
Angier,	Griffin,
Bell of Banks,	Harrison of Newton,
Bowden of Campbell,	Harrison of Carroll,
Bowden of Monroe,	Higden,
Bowers,	Houston,
Blount,	Holcombe,
Brown,	Howe,
Bracewell,	Hutcheson,
Bryson,	Key,
Burnett,	King,
Carson,	Knox,
Cameron,	Lee,
Christian of Newton,	Maddox,
Cooper,	Mathews,
Crawford,	Martin of Carroll,
Dews	Martin of Calhoun,
Dunnegan,	Martin of Habersham,
Ellington,	McHan,
Fields,	Minor,
Foster of Paulding,	Moore of White,
Gilbert,	Saffold,



Smith of Thomas,  
Shropshire,  
Shumate,  
Stanford.

Trammell,  
Traywick,  
Woodey.

There are yeas 64; nays 51. So the motion to reconsider prevailed.

The reconsidered motion was taken up.

Mr. Bryant offered the following Ordinance, as a substitute therefor:

#### AN ORDINANCE TO ESTABLISH CONGRESSIONAL DISTRICTS.

*The People of Georgia, in Convention assembled, do ordain,* That conforming to the last apportionment of members of the House of Representatives of the United States Congress, there shall be, in the State of Georgia, seven Congressional Districts, constituted as follows, until changed by Act of the General Assembly, viz.:

The First District shall include the Counties of Chatham, Bryan, Liberty, McIntosh, Wayne, Glynn, Camden, Charlton, Ware, Pierce, Appling, Tatnall, Bulloch, Effingham, Screven, Emanuel, Montgomery, Telfair, Coffee, Clinch, Echols, Lowndes, Berrien, Irwin, Laurens, Johnson, Brooks, Colquitt and Thomas.

The Second District shall include the County of Decatur, Early, Miller, Baker, Mitchell, Worth, Dooley, Wilcox, Pulaski, Chattahoochee, Macon, Marion, Sumter, Webster, Stewart, Quitman, Clay, Calhoun, Randolph, Terrell, Lee and Dougherty.

The Third District shall include the Counties of Muscogee, Schley, Taylor, Talbot, Harris, Troup, Meri-



wether, Heard, Coweta, Fayette, Clayton, Carroll, Campbell, Houston and Crawford.

The Fourth District shall include the Counties of Upson, Pike, Spalding, Henry, Newton, Butts, Monroe, Bibb, Twiggs, Wilkinson, Baldwin, Jones, Jasper, and Putnam.

The Fifth District shall include the Counties of Washington, Jefferson, Burke, Richmond, Glascock, Hancock, Warren, Columbia, Lincoln, Wilkes, Taliaferro, Greene, Morgan, Oglethorpe and Elbert.

The Sixth District shall include the Counties of Milton, Gwinnett, Walton, Clarke, Jackson, Madison, Hart, Franklin, Banks, Hall, Forsyth, Pickens, Dawson, Lumpkin, White, Habersham, Rabun, Towns, Union, Fannin and Gilmer.

The Seventh District shall include the Counties of DeKalb, Fulton, Cobb, Polk, Floyd, Bartow, Cherokee, Gordon, Chattooga, Walker, Murray, Whitfield, Catoosa and Dade.

Mr. Shropshire moved to lay the foregoing substitute on the table.

The previous question was called for, and sustained.

The main question was put, and the motion to lay on the table did not prevail.

The substitute was then adopted.

Leave of absence was granted Mr. Crane, on account of serious illness.

On motion of Mr. Akerman, the Rule was suspended, and it was

*Resolved, That when the Convention adjourn, this*



day, at 1 o'clock p. m., it do adjourn until 9 1-2 o'clock a. m., to-morrow.

On motion of Mr. Hotchkiss, the report of the Committee on Miscellaneous Matter, relative to an election for Governor, etc., was taken up.

Mr. Bryant offered a substitute for said report.

On motion of Mr. Whitley, the original and proposed substitute was referred to the Committee, with instructions to report again on Monday morning.

On motion of Mr. Smith, of Thomas, the Rule was suspended, when he offered the following Resolution, which was taken up and agreed to, to-wit:

WHEREAS, The people of Southwestern Georgia are deprived of direct railroad communication with the central and northern parts of the State; and

WHEREAS, such communication will tend to unite the people of the State, and open a convenient and ready access to the ports on the Gulf of Mexico, and in that view is an object of national interest; and

WHEREAS, the completion of the South Georgia and Florida Railroad would establish such communication, and this work is delayed on account of the pecuniary distress of the country; and

WHEREAS, it would be eminently wise and liberal in the Government of the United States to aid the impoverished people of the South in restoring their material prosperity; and

WHEREAS, this Convention has information that the sum of one hundred thousand dollars, in addition to the resources now at hand, will suffice for the completion of



said railroad between Albany and Thomasville. Therefore, be it

*Resolved*, That the Congress of the United States be respectfully requested to authorize a loan from the Treasury of the United States, of the sum of one hundred thousand dollars, to the South Georgia and Florida Railroad Company, on such terms as may be reasonable to the Company and safe to the Government.

*Resolved*, That a copy of the foregoing preamble and Resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, with a request that they be laid before their respective bodies.

Mr. Hopkins moved a suspension of the Rule, for the purpose of offering an Ordinance to point out the mode of payment of the fees of the Solicitors-General of the State of Georgia, and for other purposes therein mentioned.

Mr. Akerman rose to a point of order, that the proposition was excluded as legislative matter, under the Rule adopted by the Convention.

The point of order was sustained.

Mr. Hopkins then moved that the Rule excluding legislative matter be rescinded, for the purpose of entertaining his proposition.

On motion of Mr. Akerman, the motion to rescind the Rule was indefinitely postponed.

On motion of Mr. Davis, the Rule was suspended, when he offered the following Resolution:

*Resolved*, That ——— copies of the Constitution framed



by this Convention be sent, by the Secretary, by mail to each member of the same.

Mr. Harris moved to amend, by adding, after "Constitution," the words "Ordinances and Resolutions."

The same was accepted by Mr. Davis.

Mr. Trammell offered the report of the Committee on Printing relative to this subject, as a substitute for the Resolution of Mr. Davis.

Mr. McCay offered the following, as a substitute for the pending matter:

That each of the newspapers in the State be authorized to publish, once a week in their regular issue, until the election, the Constitution adopted by this body, and the General Assembly is hereby required to provide a reasonable compensation for the same.

On motion of Mr. Bryant, the whole subject-matter was referred to the Committee on Printing, with instructions to print one thousand copies of the Constitution for use of the Convention.

Mr. Turner moved a suspension of the Rule, for the introduction of the following Resolution:

*Resolved.* That this Convention respectfully request the United Republican Executive Committee, at Washington, to publish and circulate twenty thousand copies of our Constitution.

The Rule was suspended, and the Resolution adopted.

Mr. Ashburn moved a suspension of the Rule, for the introduction of the following Resolution:

*Resolved,* That the President appoint a Committee of



three, to confer and act in concert with the Mayor and Council of the City of Atlanta, in arranging and securing proper accommodations for the Legislature, Executive and Legislative Departments of the Government of the State, in accordance with the proposition made by said city, whose duty it shall be to see that the accommodations are in readiness for the Legislature, to be elected under this Convention, by the time to be fixed for its assemblage, and to superintend generally all necessary preparations for the convening of the Legislature, and for the accommodation of the Legislative, Executive and Judicial Departments.

The motion to suspend the Rule did not prevail.

Mr. Saffold moved a suspension of the Rule, for the introduction of the following Resolution:

*Resolved*, That the present condition of the Western and Atlantic Railroad, the amount of its monthly net proceeds, and the regularity and safety of its transportation, both travelling and freight, reflects the highest credit upon its Superintendent, Major Campbell Wallace, and his faithful and efficient employees.

And that the Secretary of this Convention forward Major Wallace a copy of this Resolution.

On motion of Mr. Bryant, the motion to suspend the Rule was laid on the table.

Mr. Rozar moved a suspension of the Rule, for the introduction of the following:

WHEREAS, It is considered imprisonment of persons have been made, contrary to the reasonable demands of justice, by the Provisional Civil Government of Georgia, and punishment inflicted on persons unmercifully, for



minor offences, and the committal of which by said persons is attributable to extreme destitution and necessity; and

WHEREAS, it is considered the adjudication of the respective Courts of the Provisional Civil Government of Georgia have, in some instances, been controlled by such prejudicial feelings as to command their better sense and judgment, and have not been governed in conformity with the reasonable requirements of justice, and punishments inflicted. Therefore,

*Resolved, by the Representatives of the People of Georgia, in Convention assembled, That an investigation be made pertaining to the charges, offences, and causes of imprisonment of persons in the penitentiary, in Milledgeville, Georgia; and, if persons are confined under the circumstances considered, they at once be released; and further*

*Resolved, The Commanding General of the Third Military District is respectfully requested to act in such manner as he may deem expedient and legitimate, for the immediate enforcement of this Resolution.*

The motion to suspend the Rule did not prevail.

On motion of Mr. Bentley, the Rule was suspended, when he offered the following Resolution, which was taken up and agreed to:

*Resolved, That the Mayor and City Council of Atlanta are entitled to, and are hereby tendered, the thanks of this Convention, for their kind attention in providing a hall, and for other courtesies.*

On motion of Mr. Martin, of Habersham, the Rule was suspended, when he offered the following Resolution, which was taken up and adopted:



*Resolved, by this Convention,* That the several Tax Collectors in the State of Georgia be, and they are hereby, required to take up, from the holders of all such scrip or warrants as may be presented to them, and which have been issued by the Provisional Governor or Comptroller-General, to pay the members and officers of this Convention their *per diem* and mileage, and the contingent expenses of the same: *Provided,* The said Collectors have the tax moneys assessed by this Convention in their hands, when such scrip or warrants are presented.

On motion of Mr. Davis, the Rule was suspended, when he offered the following Resolution, which, being read, was, on motion of Mr. Akerman, referred to the Committee on Finance:

*Resolved,* That P. M. Sheibley, Secretary A. E. Marshall, Assistant Secretary, and Jackson T. Taylor, Journalizing Clerk of this Convention, be allowed, in scrip or warrants, the same additional compensation, respectively, as was allowed to the Clerk of the House of Representatives, the Assistant Clerk and Journalizing Clerk thereof, at the last session of the General Assembly, and that the Auditing Committee audit their accounts accordingly.

Mr. Burnett moved a suspension of the Rule, for the purpose of offering the following:

WHEREAS, The Reporter of the *Intelligencer*, one of the leading journals in this State, has faithfully and correctly reported the proceedings of this body; and

WHEREAS, he has not at any time, omitted the honest duty of a true patriot in reporting the actual facts as to the actions of this Convention. Therefore, be it

*Resolved,* That the Convention unanimously vote him



and pay him the sum of three hundred dollars, for his valuable services.

The motion to suspend the Rule did not prevail.

The following report was presented by Mr. Higbee, from the Committee on Enrollment:

*Mr. President:*

The Committee on enrollment beg leave to report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to pay each member and officer sixty-five dollars.

The report of the Committee relative to the payment of absentees.

A Resolution to pay Aaron A. Bradley up to the time of his expulsion.

A Resolution providing for the issuing warrants in lieu of scrip.

A Resolution requiring the Auditing Committee to report the amount paid, and the amount due, the officers and members of this Convention.

The report of the Special Committee, providing for the payment of Fitzgibbon and Camp, for services performed previous to the permanent organization of the Convention; also,

A Resolution that this Convention adjourn on the 11th of March, 12 o'clock M.

W. A. FORT,

Chairman of the Committee on Enrollment.



Mr. Bryant, from the Committee on Corporations, made the following report:

The General Assembly shall encourage internal improvements, by passing liberal laws for that purpose.

The General Assembly shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the General Assembly may direct.

On motion the Convention adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Saturday, March 7, 1868.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Smith of Thomas.

The Journal was read.

Mr. Miller moved a reconsideration of so much thereof as relates to the adoption of an Ordinance redistricting the State for Congressional representation.

The motion did not prevail.

Mr. Rozar moved a reconsideration of so much of the Journal of yesterday as relates to the refusal of the Convention to suspend the Rule, for the introduction of a Resolution instituting inquiry in regard to the causes of



imprisonment of convicts in the Penitentiary of this State.

Upon the question of reconsidering, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Harrison of Hancock,
Alexander,	Hopkins,
Anderson,	Jackson,
Ashburn,	Joiner,
Bedford,	Jones,
Bentley,	Linder,
Beaird,	Madden,
Baldwin,	Maul,
Blodgett,	McHan,
Bryant,	Minor,
Bullock,	Moore of Columbia,
Campbell,	Murphy,
Casey,	Neal,
Clift,	Noble,
Chatters,	Palmer,
Claiborne,	Pope,
Cobb of Houston,	Prince,
Costin,	Reynolds,
Conley,	Rice,
Crayton,	Rozar,
Cotting,	Sikes,
Dailey,	Seeley,
Dinkins,	Sherman,
Dunning,	Stewart,
Edwards,	Supple,
Ellington,	Stone,
Gove,	Strickland,
Golden,	Turner,
Guilford,	Wallace,
Harris of Chatham,	Welch,
Harris of Newton,	Wilbur,



Whitaker,	Whitehead of Butts,
Whitehead of Burke,	Williams.

Those who voted in the negative, are Messrs.

Akerman,	Holcombe,
Bell of Banks,	Howe,
Bowden of Campbell,	Hudson,
Bowden of Monroe,	Hutcheson,
Bowers,	Jordan,
Bigby,	Key,
Blount,	King,
Brown,	Knox,
Bracewell,	Lee,
Bryson,	Lott,
Buchan,	Maddox,
Burnett,	Marler,
Carson,	Mathews,
Cameron,	Martin of Carroll,
Catching,	Martin of Calhoun,
Christian of Newton,	Martin of Habersham,
Chambers,	McCay,
Cooper,	Miller,
Cobb of Madison,	McWhorter,
Cole,	Moore of White,
Crawford,	Saffold,
Crumley,	Shields
Davis,	Smith of Coweta
Dunnegan,	Smith of Thomas,
Fields,	Speer,
Flynn,	Shropshire,
Foster of Paulding,	Shumate,
Gilbert,	Stanford,
Goodwin,	Stanley,
Griffin,	Trammell,
Harland,	Trawick,
Harrison of Carroll,	Waddell,
Higden,	Whiteley,
Hotchkiss,	Woodey.
Houston,	



There are yeas 66; nays 69. So the motion to reconsider did not prevail.

Mr. Akerman, from the Committee, reported the following Resolution:

*Resolved*, That as soon as the Committee on Revision shall have completed any part of the Constitution, two hundred copies of the same shall be printed, under the direction of said Committee.

The same was adopted.

Also, the following Resolution, which was adopted:

*Resolved*, That the Committee on Revision be authorized to employ a clerk, whose compensation shall be hereafter determined by the Convention.

Mr. Akerman also made the following report:

The Committee on Revision recommend the following to be inserted in the Constitution:

## ARTICLE—.

### AMENDMENT OF THE CONSTITUTION.

This Constitution may be amended by a vote of two-thirds of each branch of the General Assembly, at each of two successive regular sessions; but the elective franchise shall not be taken from any class entitled thereto under this Constitution, unless such alteration shall have been submitted to the people, and ratified at a general election.

For the Committee:

A. T. AKERMAN,

Chairman, *pro tem*.



The same was made the special order for Monday.

Mr. Dunning offered the following Resolution, which was unanimously adopted:

WHEREAS, The Georgia Constitutional Convention is now about to conclude its deliberations. Be it, therefore,

*Resolved*, That the thanks of this body are due, and are hereby tendered, to Major-General George G. Meade, Commander Third Military District, for his hearty co-operation in all our labors, and for his uniform courtesy in his official correspondence with this body, as well as his marked kindness manifested in his private intercourse with the various members of this Convention.

*Resolved*, That a copy of this Preamble and Resolution be furnished to the Major-General Commanding Third Military District, signed by the President and Secretary of this Convention.

Mr. Shropshire moved a suspension of the Rule, for the introduction of the following Resolutions:

WHEREAS, The result of the late disastrous war, the scarcity of money and the derangement of labor, have brought poverty, devastation and ruin upon the people of Georgia; and

WHEREAS, economy in the public expenditures is an element of strength in Republican Governments. Be it, therefore,

*Resolved*, That the people of Georgia, in Convention assembled, hereby declare that the multiplication of unnecessary offices for favorites is condemned by the people of Georgia. And be it further

*Resolved*, That this Convention respectfully, but earn



estly, recommend to the General Assembly, whose duty it shall be, to fix salaries of Executive, Legislative and Judicial officers to sums only adequate to the services actually rendered.

The motion to suspend the Rule did not prevail.

Mr. Blodgett moved that the Convention adjourn until 3 o'clock p. m., this day.

Upon this motion the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Costin,
Akerman,	Conley,
Alexander,	Crawford,
Anderson,	Crayton,
Ashburn,	Crumley,
Bedford,	Cotting,
Bentley,	Davis,
Beaird,	Dailey,
Baldwin,	Dinkins,
Bell of Oglethorpe,	Dunning,
Bowers,	Edwards,
Blodgett,	Fort,
Bryant,	Gilbert,
Bullock,	Goodwin,
Campbell,	Golden,
Carson,	Guilford,
Casey,	Harris of Chatham,
Clift,	Harris of Newton,
Christian of Newton,	Harrison of Hancock,
Chatters,	Higbee,
Claiborne,	Higden,
Chambers,	Hotchkiss,
Cobb of Houston,	Hopkins,
Cobb of Madison,	Jackson,



Joiner,	Rozar,
Jones,	Saffold,
Knox,	Sikes,
Linder,	Seeley,
Madden,	Sherman,
Mauil,	Shropshire,
McCay,	Stewart,
Minor,	Supple,
Miller,	Stanley,
McWhorter,	Stone,
Moore of Columbia,	Strickland,
Murphy,	Turner,
Neal,	Walton,
Noble,	Wallace,
Palmer,	Welch,
Pope,	Wilbur,
Potts,	Whitaker,
Prince,	Whitehead of Burke,
Reynolds,	Whiteley,
Rice,	Williams.

Those who voted in the negative, are Messrs.

Bell of Banks,	Foster of Paulding,
Bowden of Campbell,	Gove,
Bowden of Monroe,	Griffin,
Bigby,	Harland,
Blount,	Harrison of Carroll,
Brown,	Houston,
Bracewell,	Holcombe,
Bryson,	Howe,
Buchan,	Hudson,
Burnett,	Hutcheson,
Catching,	Jordan,
Cooper,	Key,
Dunnegan,	King,
Ellington,	Lee,
Fields,	Lott,
Flynn,	Maddox,



Marler,	Smith of Thomas,
Mathews,	Speer,
Martin of Carroll,	Shumate,
Martin of Calhoun,	Stanford,
Martin of Habersham,	Trammell,
McHan,	Trawick,
Moore of White,	Waddell,
Shields,	Whitehead of Butts,
Smith of Coweta,	Woodey.

There are yeas 88; nays 50. So the motion to adjourn prevailed.

The President declared the Convention adjourned until 3 o'clock p. m.

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3 O'CLOCK P. M.

The Convention met pursuant to adjournment, the Hon. James L. Dunning, President *pro tem.*, in the Chair.

On motion of Mr. Martin, of Habersham, the Convention adjourned until 9½ o'clock a. m., Monday.

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ATLANTA, GA., Monday, March 9, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

The following communication from General Meade was laid before the Convention:



HEADQUARTERS THIRD MILITARY DISTRICT,  
(Dep't. of Georgia, Alabama and Florida),

ATLANTA, GA., March 7, 1868.

*Hon. J. R. Parrott, President Constitutional Convention :*

SIR—I had the honor, on the 29th instant, to receive the Resolution of the Convention, passed February 28th, 1868, requesting me to provide the means of defraying the expenses of the Convention to March 11th. Immediately on its receipt I sent for the Provisional Governor, and directed him to confer with members of the Convention, and arrange such plans as would be acceptable and were practicable. The Governor informed me that, on his proposing to advance a further sum of fifteen thousand dollars, the Convention would dispense with the issue of scrip authorized by my General Order No. 24, and in lieu thereof would be satisfied with the issue of certificates of indebtedness to be countersigned by the Comptroller-General, and to be paid at the State Treasury, whenever the special tax was collected. This arrangement was approved by me. The money—\$15,000—will be paid to the Disbursing Agent of the Convention; and the Comptroller-General is now here, prepared to countersign the certificates of indebtedness, whenever presented to him by the Disbursing Agent of the Convention.

Having thus fulfilled my part of the proposed arrangement, I was somewhat surprised to see a Resolution in the morning paper, purporting to have been passed yesterday, requiring the Tax Collectors to take up from the holders all such scrip or warrants as may be presented to them, and which have been issued by the Provisional



Governor or Comptroller-General, to pay the members and officers of the Convention.

Inasmuch as this Resolution is not in accordance with the understanding had with the Provisional Governor, as reported to me by that officer, and as there are, besides, grave objections to it, I deem it my duty, to prevent misunderstanding, to advise you that I am not able to give my approval to it, and my reasons therefor, I trust, will be acceptable to the Convention.

My reasons are, that in order to raise and pay to the Convention, in advance of the collection of the special tax, the sum of \$55,000, I have had to disregard the just claims upon the Treasury of the civil service and State institutions, which I only did on the expectation that the immediate collection of the tax would enable a return to the Treasury of this amount in time to prevent any serious inconvenience arising from its obstruction. If the Resolution passed by the Convention is sanctioned, it will take from the financial officers of the State the means of carrying out the plans on which the advances were predicated.

If the Convention prefer the plan indicated in the Resolution passed yesterday, to the understanding I had with the Provisional Governor, I am willing to permit Tax Collectors to cash certificates of indebtedness, but shall be obliged to withhold the promised payment of the \$15,000, which was only to be made on the conditions already stated.

Very respectfully, your obedient servant,

GEO. G. MEADE,

Major-General U. S. A., Commanding.



On motion of Mr. Wilbur, so much of the action of the Convention was rescinded as relates to the adoption of the Resolution referred to in the foregoing communication, requiring Tax Collectors to take up the scrip or warrants issued in paying the expenses of the Convention.

Mr. Hotchkiss, from the Committee on Miscellaneous Matter, offered the following amended report, the original having been recommitted to said Committee:

WHEREAS, All the civil officers of the State are only provisional, until this State is represented in Congress; and

*Whereas*, the interest of Georgia requires that all civil offices shall be filled by loyal citizens, according to the provisions of the Constitution being framed by this Convention, at the earliest practical moment, and for the purpose of avoiding any unnecessary delay or loss of time, and useless expense to the State, it is

*Ordained*, That an election be held, beginning on the 20th day of April (at such places as may be designated by the Commanding General of the District), for voting on ratification of the Constitution, for the election of Governor, members of the General Assembly, Representatives to the Congress of the United States, and all other officers to be elected as provided in this Constitution; and said election to be kept open from day to day, at the discretion of the General Commanding.

And at said elections on the ratification of the Constitution, and for Governor, members of Congress, members of the General Assembly, and all other civil officers, the qualification for voters shall be the same as prescribed by the Act of Congress, known as the "Sherman



Bill," for voters at the election on the ratification of the Constitution, and at all elections under the provisional government.

And Major-General Meade is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made and certificates of election to issue, by the proper officers. And be it further

*Ordained*, That the regulations established by Congress for voting upon the ratification of the Constitution, and for voting at elections under the provisional government, shall apply to the election of officers as aforesaid, and the persons so elected or appointed shall enter upon the duties of the several offices to which they have been respectively elected, when authorized so to do by Acts of Congress, or the order of the General Commanding, and shall continue in office till the regular succession provided for after the year 1868, and until successors are elected and qualified; and the rules for conducting and making the returns thereof shall be the same as shall be prescribed by the Commanding General for the election and returns on the ratification of the Constitution.

Upon any voter being challenged, he shall take the following oath:

"You do solemnly swear (or affirm) that you have been duly registered agreeably to the Acts of Congress; that you have not prevented, or endeavored to prevent or dissuade, any person from voting at this election; that if the Constitution upon which the vote is now being taken is ratified, that you will truly and faithfully support it. So help you God."



Mr. Blount moved to strike out the words "20th April" and insert "the first Monday in May."

Mr. Davis moved to amend, by inserting after the word "April," in the fifth line, the figures "1868."

The following amendments, proposed by Mr. McCay, were accepted, to-wit: After "1868," occurring in the ninth line of the second paragraph, add the following:

So that said officers shall, each of them, hold their offices as though they were elected on the Tuesday after the first Monday in November, 1868, or elected or appointed at the General Assembly next thereafter.

After the words "on the ratification of the Constitution," where it last occurs, add the following:

But this Ordinance shall not apply to Justices of the Peace, who shall be elected at such times as shall be provided for by the first General Assembly, until otherwise provided by law.

The amendment of Mr. Davis was received.

The amendment of Mr. Blount was lost.

Upon the question of adopting the report as amended. the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Bell of Oglethorpe,
Alexander,	Blodgett,
Anderson,	Bryant,
Ashburn,	Bracewell,
Bedford,	Buchan,
Bentley,	Bullock,
Beaird,	Campbell,
Baldwin,	Catching,



Casey,	Minor,
Clift,	Moore of Columbia,
Claiborne,	Murphy,
Chambers,	Noble,
Cobb of Houston,	Palmer,
Costin,	Pope,
Crayton,	Potts,
Cotting,	Prince,
Davis,	Reynolds,
Dailey,	Rice,
Dinkins,	Rozar,
Dunning,	Sikes,
Edwards,	Shields,
Gilbert,	Seeley,
Gove,	Sherman,
Golden,	Smith of Coweta,
Harris of Chatham,	Speer,
Harris of Newton,	Stewart,
Harrison of Hancock,	Stanley,
Higbee,	Stone,
Hotchkiss,	Strickland,
Hopkins,	Turner,
Jackson,	Walton,
Joiner,	Wallace,
Jones,	Welch,
Jordan,	Wilbur,
Linder,	Whitaker,
Lumpkin,	Whitehead of Burke,
Madden,	Whitehead of Butts,
Maul,	Williams.
McCay,	

Those who voted in the negative, are Messrs.

Bell of Banks,	Carson,
Blount,	Cameron,
Brown,	Cooper,
Bryson,	Crawford,
Burnett,	Dews,



Dunnegan,	Maddox,
Ellington,	Marler,
Flynn,	Martin of Carroll,
Fort,	Martin of Calhoun,
Foster of Morgan,	Martin of Habersham,
Foster of Paulding,	McHan,
Griffin,	Miller,
Harrison of Carroll,	Moore of White,
Higden,	Robertson,
Houston,	Saffold,
Holcombe,	Smith of Thomas,
Hooks,	Shropshire,
Howe,	Shumate,
Hudson,	Stanford,
Hutcheson,	'Trawick,
Key,	Waddell,
Lee,	Whiteley,
Lott,	Woodey.

There are yeas 77; nays 46. So the report, as amended, was adopted, and is as follows, to-wit:

WHEREAS, All the civil officers of the State are only provisional, until this State is represented in Congress; and,

*Whereas*, the interest of Georgia requires that all the civil offices shall be filled by loyal citizens, according to the provisions of the Constitution being framed by this Convention, at the earliest practical moment; and, for the purpose of avoiding any unnecessary delay or loss of time and useless expense to the State, it is

*Ordained*, That an election be held, beginning on the 20th day of April, 1868 (at such places as may be designated by the Commanding General of the District), for voting on ratification of the Constitution, for the election of Governor, members of the General Assembly, Repre-



sentatives to the Congress of the United States, and all other officers to be elected as provided in this Constitution; and said election to be kept open from day to day, at the discretion of the General Commanding.

And at said elections on the ratification of the Constitution, and for Governor, members of Congress, members of the General Assembly, and all other civil officers, the qualification for voters shall be the same as prescribed by the Act of Congress, known as the "Sherman Bill," for voters at all elections under the provisional government.

And Major-General Meade is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made and certificates of election to issue by the proper officers. And be it further

*Ordained*, That the regulations established by Congress for voting upon the ratification of the Constitution, and for voting at elections under the provisional government, shall apply to the election of officers as aforesaid; and the persons so elected or appointed shall enter upon the duties of the several offices to which they have been respectively elected, when authorized to do so by Acts of Congress, or the order of the General Commanding, and shall continue in office till the regular succession provided for after the year 1868, so that said officers shall, each of them, hold their offices as though they were elected on the Tuesday after the first Monday in November, 1868, or elected or appointed at the General Assembly next thereafter, and until successors are elected and qualified; and the rules for conducting and making the returns thereof shall be the same as shall be prescribed by the



Commanding General for the election and returns on the ratification of the Constitution.

But this Ordinance shall not be construed to apply to the Justices of the Peace, who shall be elected at such time as shall be provided for by the first General Assembly, until otherwise provided by law.

Upon any voter being challenged, he shall take the following oath:

“You do solemnly swear (or affirm) that you have been duly registered agreeably to the Acts of Congress; that you have not prevented, or endeavored to prevent or dissuade, any person from voting at this election; that if the Constitution upon which the vote is now being taken is ratified, you will truly and faithfully support it. So help you God.”

Leave of absence was granted Messrs. Angier, Buchan and Powell, on account of sickness.

Mr. McCay, from the Judiciary Committee, offered a report relative to the gradation of laws in this State, and the confirmation of certain acts, orders and decrees, passed during the late rebellion, which, without being read, was ordered to be printed for the use of the Convention.

Mr. Miller, from the Committee on Revision, submitted the first ten articles of the Constitution in revised form, which, on motion, were taken up and read.

Pending the reading thereof, the hour of 1 o'clock p. m., arrived, and the President declared the Convention adjourned until 3 o'clock p. m.



3 O'CLOCK P. M.

The Convention met pursuant to adjournment.

The Secretary proceeded with the reading of the report of the Committee on Revision.

The same having been finished, Mr. Blount moved to rescind the action of the Convention in adopting the fourth section of the fifth article, which relates to the creation of District Judges and Attorneys, their duties, powers, etc.

The motion to rescind did not prevail.

Mr. Bryant proposed to amend the twenty-seventh section of the Declaration of Fundamental Principals.

Mr. Miller rose to a point of order.

The President decided that no amendment could be entertained, except such as were limited in their effect to the arrangement and verbal alterations made by the Committee on Revision.

The report of the Committee on Revision was then adopted.

The special order for the day was taken up, to-wit: the following report of the Committee on Revision:

### ARTICLE—.

#### AMENDMENT OF THE CONSTITUTION.

This Constitution may be amended by a vote of two-thirds of each branch of the General Assembly, at each of two successive regular sessions; but the elective franchise shall not be taken from any class entitled thereto under this Constitution, unless such alteration shall have



been submitted to the people, and ratified at a general election.

Mr. Conley moved to amend, by striking out all of the first clause, terminating with the word "sessions," and filling the blank with the following, to-wit:

This Constitution shall only be amended by a Convention of the people, called by two-thirds of the General Assembly.

Mr. McCay proposed to amend the report, by adding the following thereto:

But no such amendment shall be final, until it has been assented to by a vote of the people, nor shall the General Assembly call a Convention, in the selection of delegates to which any different qualification for voters shall be prescribed, than is prescribed by this Constitution.

Mr. Strickland moved the indefinite postponement of the whole subject-matter pending, but afterward withdrew the same.

Mr. Bryant offered the following substitute for the original and proposed amendments:

The Constitution may be amended by a two-thirds vote of two successive Legislatures, and by a submission of the amendment to the qualified voters for final ratification.

But the General Assembly shall not call a Convention of the people, in the election of delegates to which any portion qualified to vote by this Constitution shall be disqualified. And the representation in said Convention shall be based on population. Nor shall the right of suf-



frage ever be taken from any person qualified by this Constitution to vote.

The following was offered by Mr. Blodgett, as an amendment to the substitute of Mr. Bryant, and accepted by him, to-wit:

*Provided*, That the General Assembly shall not call any Convention for the purpose of amending this Constitution till after the expiration of ten years.

Mr. Hotchkiss moved to lay the whole subject matter on the table.

The motion did not prevail.

Mr. Whiteley offered the following, as a substitute for all of the pending propositions:

This Constitution may be amended by a Convention of the people of the State, called by a two-thirds vote of two successive sessions of the General Assembly: *Provided*, The action of any Convention so called shall be submitted to the people for ratification; and the representation in said Convention shall be the same as that allowed in the most numerous branch of the General Assembly.

The previous question was called for, and sustained.

The main question was put, to-wit: the proposed substitute of Mr. Whiteley.

The same was not adopted.

The question next submitted being the substitute offered by Mr. Bryant, the yeas and nays were demanded on its adoption.

Mr. Whiteley called for a division of the subject.



Mr. Bryant rose to a question of order, assuming that a division of the subject could not be allowed after the previous question had been sustained and the yeas and nays demanded.

The President overruled the point of order.

Mr. Bryant appealed from the decision of the Chair, which appeal he withdrew.

The call for the yeas and nays was withdrawn as to that part of the substitute which precedes the following:

And the representation in said Convention shall be based upon population.

Said preceding portion was unanimously adopted.

The yeas and nays were then recorded on the sentence as quoted in the foregoing paragraph.

Those who voted in the affirmative, are Messrs.

Adkins,	Dailey,
Alexander,	Dinkins,
Ashburn,	Dunning,
Bentley,	Dunnegan,
Beaird,	Edwards,
Bell of Oglethorpe,	Gove,
Blodgett,	Golden,
Bryant,	Guilford,
Campbell,	Harrison of Hancock,
Catching,	Higbee,
Casey,	Hopkins,
Clift,	Jackson,
Chatters,	Joiner,
Chambers,	Jones,
Cobb of Houston,	Jordan,
Crayton,	Linder,
Davis,	Lumpkin,



Madden,	Sherman,
Maul,	Stewart,
Minor,	Supple,
Moore of Columbia,	Stone,
Murphy,	Strickland,
Noble,	Turner,
Palmer,	Wallace,
Pope,	Welch,
Prince,	Wilbur,
Reynolds,	Whitaker,
Rice,	Whitehead of Burke,
Sikes,	Whitehead of Butts,
Seeley,	Williams.

Those who voted in the negative, are Messrs.

Anderson,	Higden,
Bedford,	Hotchkiss,
Bowden of Campbell,	Houston,
Bowers,	Holcombe,
Bigby,	Hooks,
Brown,	Hudson,
Bracewell,	Hutcheson,
Bryson,	Key,
Carson,	Knox,
Cameron,	Lee,
Cooper,	Lott,
Conley,	Maddox,
Crawford,	Mathews,
Dews,	Martin of Calhoun,
Ellington,	Martin of Carroll,
Flynn,	Martin of Habersham,
Fort,	McHan,
Foster of Morgan,	McCay,
Foster of Paulding,	Miller,
Gilbert,	McWhorter,
Griffin,	Moore of White,
Harris of Newton,	Potts,
Harrison of Carroll,	Saffold,



Shields,	Trammell,
Smith of Coweta,	Trawick,
Smith of Thomas,	Waddell,
Shropshire,	Whiteley,
Shumate,	Woodey.
Stanford,	

There are yeas 60; nays 57. So the same was adopted.

Pending action on the succeeding portion of said substitute, the hour of 6 o'clock p. m. arrived, and the President declared the Convention adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Tuesday, March 10, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

On motion of Mr. Hotchkiss, so much of the Journal of yesterday was reconsidered as relates to the adoption of the report of the Committee on Miscellaneous Matter, relative to the election of civil officers.

The same was amended, by striking out the words "or dissuade," on motion of Mr. Whiteley, adopted as amended, and referred to the Committee on Revision.

Mr. Shropshire moved to reconsider so much of the Journal as relates to the action of the Convention, on yesterday, in regard to the provision for the amendment of the Constitution.

Mr. Conley rose to a point of order, assuming that, as the provision referred to was not finally disposed of,



and as the Convention was proceeding under the previous question, no motion to reconsider could be entertained, until the main question was exhausted.

The point of order was overruled by the President, and then submitted to the Convention.

Before any expression on the part of the latter, Mr. Shropshire withdrew his motion, declaring his intention to renew the same, after the final action on said proposition.

The said matter being the unfinished business of yesterday, was resumed.

Permission was granted Mr. Blodgett to withdraw his amendment to the substitute of Mr. Bryant, which was reported on the Journal of yesterday. The said substitute of Mr. Bryant was then adopted without amendment.

The report of the Committee, as amended, was adopted, and is the substitute of Mr. Bryant, as it appears on yesterday's Journal.

The same was, on motion, referred to the Committee on Revision.

The Rule was suspended, on motion of Mr. Martin, of Habersham, when he offered the following Resolution, which was then taken up, read and agreed to:

*Resolved*, That the Secretary be instructed to communicate to Major-General Meade the action of the Convention, on yesterday, in rescinding the Resolution passed on Friday, requiring the redemption of scrip or warrants by the Tax Collectors in the several Counties of this State.



Mr. Martin, of Habersham, also offered the following Resolutions:

WHEREAS, It is ascertained that there will be on hand, to-morrow morning, fifteen thousand dollars for the use of the Convention, Be it, therefore,

*Resolved*, That the Disbursing Agent pay to the President, Secretary, and Journalizing Clerk one hundred dollars each, and to each of the members of this Convention ninety dollars, and the balance of said fund be paid *pro rata* to the other officers of this Convention.

*Resolved, further*, That the balance of all the expenses of this State Convention, to-wit: the pay of members and officers, together with all contingent expenses, be settled up in scrip or warrants by the Disbursing Agent and Auditing Committee.

The same was amended, by striking out “ninety” and inserting “seventy-five.”

Also, on motion of Mr. Whiteley, by providing that the Assistant Secretary shall be paid one hundred dollars.

The same, as amended, was adopted.

Mr. Welch offered the following:

## STATE INSTITUTIONS.

Sec. 1. It shall be the duty of the General Assembly to provide, by law, for the support of Institutions for the education of the Deaf and Dumb, and of the Blind, and, also, for the reception and treatment of the Insane.

Sec. 2. The General Assembly shall have power to provide Homes of Refuge, for the correction and refor-



mation of juvenile offenders; and also, to provide farms, as a home or asylum for such persons as, by reason of old age, loss of limbs, or other extreme misfortune, may have a just and proper claim upon the aid of society.

The same was, on motion, taken up by sections.

Mr. Stanford moved to amend, by adding, "widows and orphans of deceased soldiers."

The same was not received.

Mr. Whiteley moved to refer the same to the Committee on Miscellaneous Matter.

The motion did not prevail.

Mr. Higbee proposed to amend, by substituting "of" for "for," where it occurs in the fourth line.

Accepted by Mr. Welch.

Mr. Higbee moved further to amend, by adding:

It shall also be the duty of the General Assembly to make adequate provisions for the maintenance of the poor of this State.

The same was lost.

Mr. Bryant moved to amend, by adding thereto the following:

Sec. —. All persons, except members of the General Assembly, shall hold their offices until their successors are elected and qualified.

When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; but the



General Assembly shall not create any office, the tenure of which shall be longer than four years.

Mr. McCay proposed to amend the amendment of Mr. Bryant, by adding the following, which was accepted by Mr. Bryant:

When no provision is made in this Constitution for filling any office, it shall be filled by appointment by the Governor, with the advice and consent of the Senate, unless otherwise provided by law.

The previous question was called, and sustained.

The amendment of Mr. Bryant, as amended, on motion of Mr. McCay, was received.

The report, as amended, was adopted, and referred to the Committee on Revision, as a part of the Constitution.

Mr. Higbee, from the Committee on Enrollment, submitted the following report, to-wit:

*Mr. President:*

The Committee on Enrollment beg leave to report that the following Resolutions have been regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to print two hundred copies of the Constitution.

A Resolution tendering thanks to the Mayor and City Council of Atlanta.

A Preamble and Resolution asking a loan of one hundred thousand dollars from the United States Treasury, for the South Georgia and Florida Railroad.



A Resolution of thanks to Major-General Meade.

A Resolution requesting the Union Republican Committee, at Washington, to publish and circulate 20,000 copies of the Constitution.

A Resolution to authorize the Committee on Revision to employ a clerk; also,

An Ordinance to establish Congressional Districts.

W. A. FORT,

Chairman of the Committee on Enrollment.

*Mr. President:*

The Committee on Enrollment beg leave to report the following Resolution as regularly enrolled, and now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to distribute certain funds now on hand to the officers and members of the Convention, and to provide for the settlement of the balance of such claims.

W. A. FORT,

Chairman of the Committee on Enrollment.

*Mr. President:*

The Committee on Enrollment beg leave to report that the following Resolution has been regularly enrolled, and is now ready for the signature of the President and the attestation of the Secretary, to-wit:

A Resolution requiring the Secretary to communicate to General Meade the action of the Convention, rescind-



ing a Resolution requiring Tax Collectors to take scrip or warrants.

W. A. FORT,

Chairman of the Committee on Enrollment.

Mr. Bryant offered the following report from the Committee on Corporations, to-wit:

### AN ORDINANCE TO PROVIDE FOR CERTAIN ELECTIONS.

*The People of the State of Georgia, in Convention met, do ordain,* That the election for Mayor, Aldermen, Councilmen, and all other officers elected by the people, in all the cities and incorporated towns in this State, where the official term has expired, and the vacancies have not been filled by appointment of the military authorities, shall commence on the 20th day of April, in the present year.

And the Major-General Commanding the Third Military District is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made and certificates of election to issue by the proper officers. And be it further

*Ordained,* That the regulations established by Congress for voting upon the ratification of the Constitution, and for voting at elections under the provisional government, shall apply to elections for officers as aforesaid; and the persons so elected shall continue in office till the regular succession provided for after the year 1868, and until successors are elected and qualified.

Upon any voter being challenged, he shall take the following oath:



“You do solemnly swear (or affirm) that you have been duly registered agreeably to the Acts of Congress; and that you have not prevented, or endeavored to prevent, any person from voting at this election. So help you God.”

The foregoing was ruled out, by order of the Chair, because in the nature of legislative matter.

Mr. Bryant moved to rescind the Rule excluding such matter, in order that this proposition might be entertained. He afterwards withdrew the motion to rescind and proposed the foregoing as a part of the Constitution.

On motion of Mr. Whiteley, the same was amended, by striking out the following words: “and the vacancies have not been filled by appointment of the military authorities.”

Mr. Parrott (Mr. Conley in the Chair) offered the following, as a substitute for the proposition of Mr. Bryant, as amended.

When the time provided by law for the election of municipal officers in the towns and cities of the State, for the year 1868, has passed, elections shall be held in said towns and cities on the first Wednesday in June, 1868; and persons so elected shall hold their places until the regular elections provided by law for said elections, and until their successors are elected and qualified.

At this juncture, General Sibley and Staff were received and introduced to the Convention by the President.

During the discussion of the pending question by Mr. Ashburn, he was interrupted by Mr. Blount, by the use of language deemed offensive to the Convention.



Mr. Bryant moved that Mr. Blount be reprimanded.

Mr. Parrott (Mr. Conley in the Chair) moved that Mr. Blount be allowed to apologize for the use of the language complained of.

Mr. Bryant withdrew his motion, when Mr. Blount offered an apology, which was received as sufficient by the Convention.

The yeas and nays were required to be recorded on the proposed substitute of Mr. Parrott.

Those who voted in the affirmative, are Messrs.

Bell of Banks,	Holcombe,
Bowden of Campbell,	Hooks,
Bowden of Monroe,	Howe,
Bowers,	Hudson,
Bigby,	Hutcheson,
Blount,	Jordan,
Brown,	Key,
Bracewell,	King,
Bryson,	Knox,
Carson,	Lee.
Cameron,	Lott,
Claiborne,	Maddox,
Crawford,	Marler,
Dews,	Mathews,
Dunning,	Martin of Carroll,
Dunnegan,	Martin of Calhoun,
Flynn,	Martin of Habersham,
Foster of Morgan,	Miller,
Gilbert,	Moore of White,
Goodwin,	Robertson,
Griffin,	Saffold,
Harland,	Smith of Thomas,
Harrison of Carroll,	Shropshire,
Higden,	Stanford,



Stanley,  
Trammell,  
Waddell,

Whiteley,  
Woodey.

Those who voted in the negative, are Messrs.

Adkins,  
Alexander,  
Anderson,  
Ashburn,  
Bedford,  
Bentley,  
Beaird,  
Baldwin,  
Bell of Oglethorpe,  
Bryant,  
Campbell,  
Catching,  
Casey,  
Clift,  
Chatters,  
Cobb of Houston,  
Costin,  
Crayton,  
Crumley,  
Cotting,  
Davis,  
Dailey,  
Dinkins,  
Edwards,  
Ellington,  
Fort,  
Gove,  
Golden,  
Guilford,  
Harris of Chatham,  
Harris of Newton,  
Harrison of Hancock,

Hotchkiss,  
Hopkins,  
Jackson,  
Joiner,  
Jones,  
Linder,  
Lumpkin,  
Madden,  
Maull,  
McHan,  
Minor,  
Moore of Columbia,  
Murphy,  
Neal,  
Noble,  
Palmer,  
Pope,  
Prince,  
Reynolds,  
Rozar,  
Sikes,  
Shields,  
Seeley,  
Sherman,  
Shumate,  
Stewart,  
Stone,  
Strickland,  
Turner,  
Walton,  
Wallace,  
Welch,



Wilbur,  
Whitaker,

Whitehead of Burke,  
Williams.

There are yeas 53; nays 68. So the substitute was not adopted.

The report was then adopted as amended.

Mr. Harris, of Chatham, from the Committee on Printing, offered the following report, to-wit:

*Resolved*, That the Committee on Printing be authorized, and are hereby required, to procure the publication of fifty thousand copies of the Constitution in cheap form, for the use of the delegates of this Convention; and that the Chairman of the Auditing Committee be required to issue warrants for payments of the same, and the Disbursing Officer be authorized, and is hereby required, to pay the same.

Also, the following:

*Resolved*, That the Committee on Printing be, and are hereby, authorized and required to procure the publication of the Constitution in the following newspapers of the State: *Augusta Republican* and *Constitutionalist*, *Savannah Herald* and *Standard*, *Macon Telegraph*, *Columbus Enquirer*, *Atlanta New Era* and *Opinion*, *Griffin American Union*, one time each week until the election to ratify the Constitution be held: *Provided*, The expense shall not exceed \$300 for each paper; and that the Chairman of the Auditing Committee be required to issue warrants for payment of same, and the Disbursing Officer authorized and required to pay the same.

Also, the following:

*Resolved*, That the Committee on Printing be, and are



hereby, authorized to procure the publication of one thousand copies of the Proceedings and Debates of this Convention, in book form; and that the Legislature is required to provide for payment of same.

Mr. Harris also submitted the following communication and accompanying Resolution:

HALL OF THE GEORGIA CONSTITUTIONAL CONVENTION,

ATLANTA, GA., March 10th, 1868.

*Col. A. L. Harris, Chairman, Printing Committee,*

Dear Sir—I beg to submit the following memoranda regarding the reports of the Debates:

The Reporters hope, with the aid of assistance, to complete the transcripts in July—possibly the 1st, but more probably the 15th.

The entire official Journal of the Convention will require to be recopied, and the Debates interwoven therewith.

For all the labor of reporting and transcribing the shorthand notes, and employing our own assistants, I propose that the sum of five thousand dollars be appropriated, and so placed that we may draw proportional sums as we progress with the work. Respectfully,

EUGENE DAVIS.

*Resolved*, That the Chairman of the Auditing Committee be authorized and instructed to issue warrants in accordance with the above, and that the Disbursing Officer be required to pay the same, reserving a fund for that purpose.



The foregoing report was taken up.

Mr. Whiteley moved to amend the first Resolution, by striking out "fifty thousand" and inserting "five thousand."

Mr. Parrott (Mr. Conley in the Chair) proposed to insert "four thousand."

Pending action on the first Resolution and amendment, the hour of 1 o'clock p. m. arrived, and the President declared the Convention adjourned until 3 o'clock p. m.

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### 3 O'CLOCK P. M.

The Convention met pursuant to adjournment.

There not being a quorum present, the Convention, on motion of Mr. Whiteley, took recess for one hour.

The period of the recess having expired, business was resumed, to-wit: the report of the Committee on Printing, as spread upon the Journal of the morning session, the first Resolution of said report and the proposed amendments of Mr. Whiteley and Mr. Parrott being first in order.

Mr. Whiteley required a division of the question.

The proposition to strike out "fifty thousand" was submitted, and prevailed.

The motion of Mr. Whiteley to insert "five thousand," was then submitted, and also prevailed.

The first Resolution was adopted as amended.

The second of said Resolutions was taken up.

Mr. Murphy moved to amend the same, by adding the Albany *Tri-Weekly News*.



Mr. Harris, of Chatham, to amend, by adding the *Atlanta Intelligencer*.

Mr. Wallace to amend, by striking out the *Constitutionalist* and inserting the *Loyal Georgian*.

Mr. Whiteley moved the indefinite postponement of the Resolution and amendments, which motion prevailed.

The third Resolution of said report was then taken up.

Mr. Parrott moved its indefinite postponement.

Mr. Dunning rose to a point of order, assuming that it was in the nature of legislative matter, and, therefore, could not, under the Rule of the Convention, be entertained.

The point of order was sustained by the Chair, Mr. Saffold therein.

Mr. Conley appealed from the decision.

The same was sustained, and the third Resolution of the report was ruled out of order.

Mr. Whiteley moved a suspension of the Rule, for the introduction of the following Resolution:

*Resolved*, That the publication of the Proceedings and Debates be referred to the next General Assembly, and that the manuscript thereof be deposited in the office of the Secretary of State.

The Rule was suspended.

Mr. Bryant offered the following, as a substitute:

*Resolved*, That the Committee on Printing be, and are hereby, authorized to procure the publication of one thou-



sand copies of the Proceedings and Debates of this Convention, in book form.

Mr. Blodgett offered the following, as a substitute for the original and substitute:

*Resolved*, That the Printing Committee be authorized to have published fifteen hundred copies of the Journals of this Convention, in pamphlet form, for distribution.

The previous question was called for, and sustained; and

The main question being put, the substitute of Mr. Blodgett was adopted.

Mr. Conley moved a suspension of the Rule, for the introduction of the following Resolution:

*Resolved*, That the Resolution, adopted by the Convention, to adjourn to-morrow at 12 o'clock m., be rescinded; and, that the Convention will adjourn on Thursday, 12th, at 1 o'clock; and that no business will be entertained on Thursday, except the reading and signing the Constitution; and delegates shall not be entitled to *per diem* after the 11th.

Upon the question of suspending the Rule, Mr. Parrott (Mr. Saffold in the Chair) demanded the yeas and nays.

Twenty-five members voting to sustain the call for the yeas and nays, the President *pro tem.* decided that not one-fifth of the members present had thus voted.

Mr. Parrott required the roll to be called, in order to ascertain the number present, and to determine the question as to whether the twenty-five voting to sustain his



call for the yeas and nays constituted one-fifth of those present.

Several members objected to the call of the roll for the purpose indicated.

Mr. Trammell rose to a question of privilege, stating that any member could, as a privilege, demand a call of the roll of members.

The Secretary was directed to make count of the members and having performed the duty, reported one hundred and twenty-eight present.

Twenty-five being less than one-fifth of this number, the Rule was declared suspended.

The Resolution was then taken up, and, on the question of its passage, the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs.

Adkins,	Clift,
Akerman,	Chatters,
Alexander,	Claiborne,
Anderson,	Chambers,
Angier,	Cobb of Houston,
Ashburn,	Conley,
Bedford,	Crayton,
Bentley,	Cotting,
Beaird,	Davis,
Baldwin,	Dailey,
Bell of Oglethorpe,	Dinkins,
Blodgett,	Dunning,
Bryant,	Ellington,
Bullock,	Fort,
Campbell,	Gove,
Carson,	Golden,
Catching,	Harris of Chatham,
Casey,	Harris of Newton,



Harrison of Hancock,	Prince,
Higbee,	Rozar,
Hopkins,	Robertson,
Jackson,	Sikes,
Joiner,	Seeley,
Jones,	Sherman,
Linder,	Smith of Coweta,
Lumpkin,	Speer,
Madden,	Stewart,
Maddox,	Supple,
Marler,	Stanley,
Maull,	Stone,
McCay,	Strickland,
Minor,	Turner,
Miller,	Walton,
Moore of Columbia,	Welch,
Murphy,	Wilbur,
Neal,	Whitaker,
Noble,	Whitehead of Burke,
Pope,	Whiteley.

Those who voted in the negative, are Messrs.

Bowden of Monroe,	Hotchkiss,
Bowers,	Howe,
Brown,	Hudson,
Bracewell,	Hutcheson,
Bryson,	Jordan,
Cameron,	Key,
Cooper,	King,
Crawford,	Lee,
Dews,	Lott,
Dunnegan,	Mathews,
Foster of Morgan,	Martin of Carroll,
Gilbert,	Martin of Habersham,
Goodwin,	McHan,
Griffin,	Moore of White,
Harrison of Carroll,	Potts,
Higden,	Shields,



Smith of Thomas,  
Shropshire,  
Shumate,  
Stanford,  
Trammell,

Trawick,  
Wallace,  
Williams,  
Woodey.

There are yeas 76; nays 41. There being less than two-thirds voting in the affirmative, the Chair pronounced the Resolution lost.

Mr. Saffold yielded the Chair to the President, who affirmed the decision made by him, from which decision Mr. Conley appealed.

Pending said appeal, the hour of 6 o'clock p. m. arrived, and the President declared the Convention adjourned until 9½ o'clock a. m., to-morrow.

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ATLANTA, GA., Wednesday, March 11, 1868.

The Convention met pursuant to adjournment.

Prayer by the Chaplain.

The Journal was read.

Mr. Turner moved to reconsider so much thereof as relates to the action of the Convention in striking out "fifty thousand" and inserting "five thousand" in the Resolution, reported by the Committee on Printing, and adopted, relative to the publication of the Constitution.

The motion did not prevail.

On motion of Mr. Conley, so much of the Journal of yesterday was reconsidered as relates to the action of the Convention in regard to the Resolution proposing to



rescind the Resolution fixing this day as the time of adjournment of this session.

The reconsidered Resolution was taken up and amended to read as follows:

Resolved, That the Resolution adopted by the Convention, to adjourn to-morrow at 12 o'clock, be rescinded, and that the Convention will adjourn this day.

The same, as amended, was adopted.

Mr. Shropshire, from the Committee on Finance, offered the following report, which was read, to-wit:

*Mr. President:*

The Committee on Finance have had under consideration the subject of extra compensation for the Secretary, Assistant Secretary, and Journalizing Clerk, and, also, the compensation of the Hon. N. L. Angier, for services as Disbursing Agent of the Convention, and recommend the adoption of the following Resolution:

*Resolved*, That the Secretary, Assistant Secretary, and Journalizing Clerk of this Convention, be allowed four hundred dollars (in scrip or warrants) each, as extra compensation for extra services; and that the Hon. N. L. Angier be allowed the sum of three hundred dollars, as compensation for his services as Disbursing Agent of the Convention; and that the Chairman of the Auditing Committee be instructed to audit said accounts.

On motion, the Rule was suspended, when Mr. McCay offered the following Resolution. which was taken up and agreed to, to-wit:

*Resolved*, That the commanding General of the Third Military District be requested, by General Order, to re-



quire the Courts and officers of the provisional government of the State of Georgia, until the State is fully restored to its regular relations to the United States, and the State organization is in full operation, to enforce and carry out the provisions of this Constitution for the relief of the people, to-wit:

Section eighteen of the Declaration of Fundamental Principles, abolishing imprisonment for debt.

Section seventeen of article five, in relation to the jurisdiction of the Courts.

Article seven, in relation to homesteads and exemptions.

And the Secretary of this Convention is instructed to furnish to the Commanding General a certified copy of the above portion of this Constitution and this Resolution.

Mr. McCay offered an Ordinance confirming and re-adopting certain Ordinances of the Convention of 1865, which was amended and passed as follows, to-wit:

*Be it ordained by the People of Georgia, in Convention assembled, That the following Ordinances, adopted by the Convention of 1865, are hereby expressly, and in their terms, confirmed and readopted, to-wit:*

### AN ORDINANCE

To repeal certain Ordinances and Resolutions therein mentioned, heretofore passed by the people of the State of Georgia in Convention:

*We, the People of the State of Georgia, in Convention, at our Seat of Government, do declare and ordain, That*



an Ordinance, adopted by the same people, in Convention, on the 19th day of January, A. D. eighteen hundred and sixty-one, entitled, "An Ordinance to Dissolve the Union between the State of Georgia and other States united with her under a compact of government entitled 'the Constitution of the United States;' " also, an Ordinance adopted by the same, on the sixteenth day of March, in the year last aforesaid, entitled "An Ordinance to adopt and ratify the Constitution of the Confederate States of America;" and, also, all Ordinances and Resolutions of the same, adopted between the sixteenth day of January and twenty-fourth day of March, in the year aforesaid, subversive of, or antagonistic to, the civil and military authority of the Government of the United States of America, under the Constitution thereof, be, and the same are hereby, repealed.

### AN ORDINANCE

To declare null and void all laws of the State of Georgia, by which money has been raised for the purpose of carrying on and sustaining the late war against the United States, and all notes, bills, bonds and contracts founded on the same.

*Be it Ordained by the People of Georgia, in Convention Assembled,* That all laws which have been heretofore passed, for the purpose of raising money to sustain and carry on the late war against the United States, are null and void; and that no Legislature hereafter to be assembled shall levy any tax, or make any appropriation, directly or indirectly, to pay any note, bill, bond, or contract, founded on the same.

But this special adoption of the Ordinances herein



quoted shall not be construed to disaffirm any other, of a purely legislative character, passed by said Convention; but such Acts shall have force as laws, in accordance with the provisions of the several confirming Acts adopted by this Convention and this Constitution.

Mr. Conley, from the Special Committee appointed to report the names of persons for Congressional clemency, made the following report, to-wit:

*Mr. President:*

The Committee of one from each Congressional District, to whom was referred the names of persons to be recommended to the Congress of the United States to be relieved from political disabilities, submit the following Resolutions, and ask its adoption by the Convention:

*Resolved*, That the Constitutional Convention of Georgia respectfully ask the Congress of the United States to relieve the following named persons of their political disabilities.

B. CONLEY, Chairman.

Mr. Ashburn, from said Committee, presented the following as a minority report, to-wit:

WHEREAS, The strength of a Republican Government is best promoted, and its principles maintained, by the broadest platform of enfranchisement; and

WHEREAS, portions of Georgia's citizens are under political disabilities, which debar them from exercising the highest privilege of American citizenship—that of the elective franchise. Be it, therefore,

*Resolved*, that this Convention do request the Congress of the United States to enact or pass such laws as



will remove the political disabilities from all the citizens of Georgia. And be it further

*Resolved*, That a copy of this Preamble and Resolution be forwarded to the President of the Senate and Speaker of the House of Representatives.

The majority and minority reports were, on motion, taken up.

Mr. Parrott moved to amend the majority report, by appending the minority report thereto.

The previous question was called for, and sustained.

Mr. Ashburn claimed, as the mover of the minority report, the privilege of closing the debate, under the previous question.

Objection being made to this by several members, the President *pro tem.* submitted the question to the Convention, by whom Mr. Ashburn was permitted to proceed with his speech.

The main question was then put, and, upon this, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Alexander,	Bracewell,
Anderson,	Bryson,
Ashburn,	Burnett,
Bell of Banks,	Campbell,
Bowden of Campbell,	Carson,
Bowden of Monroe,	Cameron,
Bowers,	Catching,
Blodgett,	Casey,
Bigby,	Caldwell,
Blount,	Chatters,
Brown,	Claiborne,



Chambers,	Lee,
Cooper,	Linder,
Cobb of Madison,	Lott,
Costin,	Lumpkin,
Cole,	Madden,
Conley,	Maddox,
Crawford,	Maul,
Crumley,	Mathews,
Davis,	Martin of Carroll,
Dews,	Martin of Calhoun,
Dinkins,	Martin of Habersham,
Dunning,	McHan,
Dunnegan,	McCay,
Ellington,	Minor,
Flynn,	Miller,
Foster of Morgan,	Moore of White,
Foster of Paulding,	Moore of Columbia,
Gilbert,	Palmer,
Goodwin,	Rozar,
Griffin,	Robertson,
Harland,	Saffold.
Harris of Newton,	Shields,
Harrison of Carroll,	Smith of Coweta,
Higbee,	Smith of Thomas,
Higden,	Speer,
Hotchkiss,	Shropshire,
Houston,	Shumate.
Holcombe,	Stewart,
Hopkins,	Stanford,
Hooks,	Supple,
Howe,	Stanley,
Hudson,	Trammell,
Hutcheson,	Trawick,
Joiner,	Walton,
Jordan,	Wallace,
Key,	Waddell,
King,	Welch.
Knox,	Wilbur,



Whitehead of Butts,	Williams,
Whiteley,	Woodey.

Those who voted in the negative, are Messrs.

Bedford,	Murphy,
Bentley,	Neal,
Baldwin,	Noble,
Bell of Oglethorpe,	Pope,
Bryant,	Prince,
Clift,	Reynolds,
Cobb of Houston,	Rice,
Crayton,	Seeley.
Cotting,	Sherman,
Dailey,	Stone,
Harris of Chatham,	Strickland,
Harrison of Hancock,	Whitaker,
Jackson,	Whitehead of Burke.

There are yeas 102; nays 26. So the amendment was received.

The report, as amended, was then adopted.

Mr. Murphy stated, as an explanation of his vote, that while willing to vote for the removal of disabilities from every person who might ask it, he would vote for those who did not ask it, and who, probably, did not desire it.

Mr. Conley moved a suspension of the Rule for the purpose of offering the following:

*Resolved*, That Hon. Foster Blodgett, Josiah R. Parrott and George W. Wilbur be appointed a Committee of this Convention, to visit Washington for the purpose of presenting the names specially recommended for relief of disabilities to each House of Congress, and to use their influence to have action taken as early as possible.

The motion to suspend the Rule did not prevail.



Mr. Hopkins offered the following, to-wit:

### AN ORDINANCE

To repudiate the war debt of the State of Georgia, and to declare certain other contracts illegal, and certain evidences of debt void, and to change the rules of evidence in such cases, and for other purposes.

On motion of Mr. Whiteley, the same was ruled out of order, because in the nature of legislative matter.

From the decision of the Chair, ruling the same out of order, Mr. Hopkins took an appeal, demanding the yeas and nays.

Not one-fifth of the members voted to sustain the call.

The decision of the Chair was sustained.

On motion of Mr. Bryant, article eleven—the laws of general operation in force in this State—was taken up, amended and adopted.

The same was referred to the Committee on Revision, revised, reported back to the Convention, and is placed at its proper place in the Constitution, appearing in the Journal of this day.

Article twelve—amendments to the Constitution—was reported back by the Committee on Revision, and will also be found as reported at its proper place in the Constitution herein contained.

Mr. Blodgett moved a suspension of the Rule, for the purpose of introducing an Ordinance to change the name of Bartow County to Cass, and for other purposes therein mentioned.



The motion to suspend the Rule did not prevail.

Mr. Whiteley offered the following Resolution, which was taken up and agreed to- to-wit:

*Resolved*, That Hon. J. R. Parrott, H. V. M. Miller and N. L. Angier be, and they are hereby, appointed a Committee to complete the unfinished business of the Convention, with leave to sit for three days after the adjournment for said purpose.

The report of the Finance Committee being next in regular order, was taken up.

Pending action thereon, on motion of Mr. Whiteley, the Convention adjourned until 3 o'clock p. m.

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3 O'CLOCK P. M.

The Convention met pursuant to adjournment, and resumed the consideration of the report of the Finance Committee.

Mr. Campbell moved to amend the same, by providing for the payment of four hundred dollars to the Reverend Wesley Prettyman, Chaplain of the Convention.

Mr. Beaird proposed to amend, by providing that the Chaplain receive the same compensation as allowed a delegate.

The last amendment being first submitted, was received.

Mr. Whitehead, of Butts, offered to amend as follows:

*Resolved*, That the Reporter of the *Intelligencer* be allowed the amount of four hundred dollars, to be paid in scrip, for his faithful reports of this Convention.



Mr. Bryant moved to amend the amendment, by adding the Reporter of the New York *Herald*.

The proposed amendment of Mr. Bryant was lost; also, the amendment of Mr. Whitehead.

Mr. Waddell moved to amend the report, by paying to the Secretary \$600, and to the Assistant Secretary and Journalizing Clerk, each, \$500.

This proposition was withdrawn by the mover.

Upon the question of adopting the report, as amended, the yeas and nays were recorded.

Those who voted in the affirmative, are Messrs.

Alexander,	Dailey,
Anderson,	Dinkins,
Ashburn,	Gove,
Bedford,	Golden,
Beaird,	Guilford,
Baldwin,	Harrison of Hancock,
Bryant,	Hopkins,
Brown,	Jackson,
Campbell,	Joiner,
Catching,	Jones,
Casey,	Linder,
Clift,	Lumpkin,
Chatters,	Madden,
Chambers,	Maddox,
Cooper,	Mauil,
Cobb of Houston,	McCay,
Cobb of Madison,	Moore of Columbia,
Costin,	Murphy,
Conley,	Noble,
Crayton,	Palmer,
Crumley,	Pope,
Davis,	Prince,



Reynolds,	Strickland,
Sikes,	Turner,
Seeley,	Walton,
Sherman,	Wallace,
Smith of Coweta,	Welch,
Speer,	Wilbur,
Shropshire,	Whitaker,
Shumate,	Whitehead of Burke,
Stewart,	Whitehead of Butts,
Supple,	Williams.
Stone,	

Those who voted in the negative, are Messrs.

Bell of Banks,	Hotchkiss,
Bowden of Campbell,	Hooks,
Bowden of Monroe,	Howe,
Bowers,	Hudson,
Bigby,	Hutcheson,
Blount,	Jordan,
Bracewell,	Key,
Bryson,	King,
Carson,	Knox,
Cameron,	Lott,
Caldwell,	Martin of Carroll,
Claiborne,	Martin of Calhoun,
Crawford,	Martin of Habersham,
Cotting,	McHan,
Dews,	Minor,
Dunning,	Miller,
Dunnegan,	Moore of White,
Edwards,	Rozar,
Ellington,	Robertson,
Foster of Morgan,	Saffold,
Foster of Paulding,	Shields,
Griffin,	Smith of Thomas,
Harris of Newton,	Stanford,
Harrison of Carroll,	Stanley,
Higden,	Trammell,



Trawick,  
Waddell,

Whiteley,  
Woodey.

There are yeas 65; nays 54. So the report, as amended, was adopted.

The President announced the Constitution complete, and ready for the final action of the Convention.

On the question of its adoption, Mr. Waddell demanded that the yeas and nays be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Claiborne,
Alexander,	Chambers,
Anderson,	Cooper,
Ashburn,	Cobb of Houston,
Bedford,	Costin,
Bentley,	Conley,
Beaird,	Crayton,
Baldwin,	Crumley,
Bell of Oglethorpe,	Cotting,
Bowden of Campbell,	Davis,
Bowers,	Dailey,
Blodgett,	Dinkins,
Blount,	Dunning,
Bryant,	Dunnegan,
Brown,	Edwards,
Bracewell,	Ellington,
Bryson,	Flynn,
Bullock,	Gilbert,
Campbell,	Goodwin,
Carson,	Gove,
Catching,	Golden,
Casey,	Griffin,
Caldwell,	Guilford,
Clift,	Harris of Newton,
Christian of Newton,	Harrison of Carroll,
Chatters,	Harrison of Hancock,



Higbee,	Potts,
Higden,	Prince,
Hotchkiss,	Reynolds,
Hopkins,	Rice,
Hooks,	Rozar,
Hooks,	Robertson,
Hutcheson,	Saffold,
Jackson,	Sikes,
Joiner,	Shields,
Jones,	Seeley,
Jordan,	Sherman,
Key,	Smith of Coweta,
Knox,	Smith of Thomas,
Lee,	Speer,
Linder,	Shropshire,
Lott,	Shumate,
Lumpkin,	Stewart,
Madden,	Supple,
Maddox,	Stanley,
Marler,	Stone,
Maull,	Strickland,
Mathews,	Trawick,
McHan,	Turner,
McCay,	Walton,
Minor,	Wallace,
Miller,	Welch,
Moore of White,	Wilbur,
Moore of Columbia,	Whitaker,
Murphy,	Whitehead of Burke,
Neal,	Whitehead of Butts,
Noble,	Whiteley,
Palmer,	Williams,
Parrott,	Woodey.
Pope,	

Those who voted in the negative, are Messrs.

Bell of Banks,	Burnett,
Bigby,	Cameron,



Dews,  
Foster of Morgan,  
Foster of Paulding,  
Holcombe,  
King,

Martin of Carroll,  
Stanford,  
Trammell,  
Waddell.

Those absent, and not voting, are Messrs.

Akerman,  
Angier,  
Barton,  
Bowden of Monroe,  
Buchan,  
Christian of Early,  
Cobb of Madison,  
Cole,  
Crane,  
Crawford,  
Cutler,  
Fort,  
Gibson,  
Glisson,  
Glover,  
Hall,  
Harland,

Harris of Chatham,  
Houston,  
Howe,  
Hudson,  
Knight,  
Lane,  
Martin of Calhoun,  
Martin of Habersham,  
McWhorter,  
Moore of Pierce,  
Powell,  
Roberts,  
Saulter,  
Smith of Charlton,  
Sneed,  
Wooten,  
Yeates.

Mr. Saffold informed the Convention that he had been requested by Mr. Akerman, who was absent by leave on pressing and important business, to state that, if he were present, he should vote against the adoption of the Constitution, because of its provision on the subject of relief, and the retroactive operation of the article on the subject of homestead and exemptions.

He moved that the vote of Mr. Akerman be recorded in the negative.

The President put the question to the Convention, and



there not being a unanimous vote in its favor, the same was not recorded.

Mr. Griffin (voting in the affirmative) stated that while in the main he approved the Constitution, it contained some provisions which he did not approve.

Mr. Marler made a similar declaration.

Mr. Maddox said he voted for the Constitution, but could not sanction all of its appendages.

Mr. Bell, of Banks, stated that, while the Constitution contained much that met his approval, he voted against it, because of its objectionable features.

The President asked permission to record his vote in the affirmative, which permission was unanimously granted.

On motion the Rule was suspended, when Mr. McCay offered the following Ordinance, which was taken up and adopted, to-wit:

#### AN ORDINANCE TO PROVIDE FOR REASSEMBLING THIS CONVENTION, IF NECESSARY.

*Be it Ordained*, That, should it be necessary for this Convention, after its adjournment, to reassemble, to complete the reconstruction of the State, it shall do so at the call of the President of the same; and in default of the President, then of the President *pro tempore*, Hon. James L. Dunning; and in default of both, then by the General Commanding the Third Military District.

And should no such call be made in twelve months from this date, then this Convention shall stand adjourned *sine die*.



Mr. Blodgett offered the following Resolution, which was taken up and agreed to, to-wit:

*Resolved*, That the late Hon. C. C. Richardson be allowed his per diem for the whole session of this Convention.

Mr. Higbee, from the Committee on Enrollment, made the following report:

*Mr. President:*

The Committee on Enrollment beg leave to report the following Resolutions as regularly enrolled, and are now ready for the signature of the President and attestation of the Secretary, to-wit:

A Resolution to print five thousand copies of the Constitution; also,

A Resolution requesting General Meade to enforce certain provisions of the Constitution, which provide for the relief of the people.

W. A. FORT,

Chairman of the Committee on Enrollment.

On motion of Mr. Whiteley, the Rule was suspended when he offered the following Resolution, to-wit:

*Resolved*, That the Honorables Foster Blodgett and J. R. Parrott be, and they are hereby, constituted a Committee to visit Washington, and present the list of names recommended for relief from disabilities, as well as to commend to the favorable consideration of Congress our measures of relief, and that the sum of \$300 each be appropriated to defray their expenses.



Upon the question of its adoption, the yeas and nays were required to be recorded.

Those who voted in the affirmative, are Messrs.

Adkins,	Jackson,
Alexander,	Joiner,
Bedford,	Jones,
Bentley,	King,
Baldwin,	Linder,
Bowden of Campbell,	Lumpkin,
Blodgett,	Madden,
Bryant,	Maull,
Bullock,	McCay,
Campbell,	Moore of Columbia,
Cameron,	Murphy,
Catching,	Noble,
Casey,	Palmer,
Clift,	Pope,
Chatters,	Potts,
Chambers,	Prince,
Cobb of Houston,	Reynolds,
Costin,	Rice,
Conley,	Rozar,
Crayton,	Sikes,
Crumley,	Seeley,
Cotting,	Sherman,
Davis,	Smith of Coweta,
Dinkins,	Speer,
Edwards,	Shumate,
Gibson,	Stewart,
Gove,	Stanley,
Golden,	Stone,
Griffin,	Strickland,
Harris of Newton,	Trammell,
Higbee,	Walton,
Hotchkiss,	Wallace,
Houston,	Welch,
Hopkins,	Whitaker,



Whitehead of Burke,	Whiteley,
Whitehead of Butts,	Williams.

Those who voted in the negative, are Messrs.

Ashburn,	Holcombe,
Bell of Oglethorpe,	Hutcheson,
Bell of Banks,	Jordan,
Bowers,	Key,
Bigby,	Lee,
Blount,	Lott,
Bryson,	Maddox,
Burnett,	Mathews,
Casey,	Martin of Carroll,
Claiborne,	Martin of Habersham,
Crawford,	McHan,
Dews,	Miller,
Dunning,	Moore of White,
Dunnegan,	Neal,
Ellington,	Robertson,
Flynn,	Saffold,
Foster of Morgan,	Shields,
Foster of Paulding,	Smith of Thomas,
Gilbert,	Shropshire,
Goodwin,	Stanford,
Harland,	Traywick,
Harrison of Carroll,	Waddell,
Harrison of Hancock,	Woodey.
Higden,	

There are yeas 72; nays 47. So the same was agreed to.

The following Resolutions were offered, and unanimously adopted, to-wit:

By Mr. Edwards:

*Resolved*, That the thanks of this Convention are hereby tendered to the President, for the able and im-



partial manner in which he has discharged the arduous and difficult duties of his office.

By Mr. Dunning:

*Resolved*, That the unanimous thanks of this body are hereby tendered to Hon. P. M. Sheibley, Secretary, and A. E. Marshall, Assistant Secretary of this Convention, for efficient services, and their uniform courtesy, not only to the Convention as such, but to the individual members composing it.

By Mr. Speer:

*Resolved*, That the thanks of this Convention are due, and are hereby tendered, Jackson T. Taylor, the able Journalizing Clerk of this Convention, for the very efficient manner in which he has discharged the laborious duties of his station.

On motion of Mr. Saffold, the Convention adjourned.



## PREAMBLE TO THE CONSTITUTION.

We, the people of Georgia, in order to form a permanent Government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, acknowledging and invoking the guidance of Almighty God, the author of all good government, do ordain and establish this Constitution for the State of Georgia.

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## CONSTITUTION OF THE STATE OF GEORGIA.

## ARTICLE I.

## DECLARATION OF FUNDAMENTAL PRINCIPLES.

Sec. I. Protection to persons and property is the paramount duty of Government, and shall be impartial and complete.

Sec. II. All persons born, or naturalized, in the United States, and resident in this State, are hereby declared citizens of this State, and no laws shall be made or enforced which shall abridge the privileges or immunities of citizens of the United States, or of this State, or deny to any person within its jurisdiction the equal protection of its laws. And it shall be the duty of the General Assembly, by appropriate legislation, to protect every person in the due enjoyment of the rights, privileges and immunities guaranteed in this Section.



Sec. III. No person shall be deprived of life, liberty or property, except by due process of law.

Sec. IV. There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

Sec. V. The right of the people to appeal to the Courts, to petition Government on all matters, and peaceably to assemble for the consideration of any matter, shall never be impaired.

Sec. VI. Perfect freedom of religious sentiment shall be and the same is hereby secured, and no inhabitant of this State shall ever be molested in person or property, or prohibited from holding any public office or trust on account of his religious opinion; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the people.

Sec. VII. Every person charged with an offense against the laws, shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the attendance of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

Sec. VIII. No person shall be put in jeopardy of life or liberty more than once for the same offence, save on his or her own motion for a new trial, after conviction, or in case of mistrial.

Sec. IX. Freedom of speech and freedom of the



press are inherent elements of political liberty; but while every citizen may freely speak, or write, or print on any subject, he shall be responsible for the abuse of the liberty.

Sec. X. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath, or affirmation, particularly describing the place, or places, to be searched, and the person, or things, to be seized.

Sec. XI. The social status of the citizen shall never be the subject of legislation.

Sec. XII. No person shall be molested for his opinions, or be subject to any civil or political incapacity, or acquire any civil or political advantage in consequence of such opinions.

Sec. XIII. The writ of *habeas corpus* shall not be suspended, unless, in case of rebellion or invasion, the public safety may require it.

Sec. XIV. A well regulated Militia being necessary to the security of a free people, the right of the people to keep and bear arms shall not be infringed; but the General Assembly shall have power to prescribe by law the manner in which arms may be borne.

Sec. XV. The punishment of all frauds shall be provided by law.

Sec. XVI. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted, nor shall any person be abused in being arrested, whilst under arrest, or in prison.



Sec. XVII. The power of the Courts to punish for contempt shall be limited by legislative acts.

Sec. XVIII. There shall be no imprisonment for debt.

Sec. XIX. In all prosecutions or indictments for libel, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts.

Sec. XX. Private ways may be granted upon just compensation being paid by the applicant.

Sec. XXI. All penalties shall be proportioned to the nature of the offense.

Sec. XXII. Whipping, as a punishment for crime, is prohibited.

Sec. XXIII. No Lottery shall be authorized, or sale of lottery tickets allowed in this State, and adequate penalties for such sale shall be provided by law.

Sec. XXIV. No conviction shall work corruption of blood, and no conviction of treason shall work a general forfeiture of estate longer than during the life of the person attained.

Sec. XXV. Treason against the State of Georgia shall consist only in levying war against the State, or the United States, or adhering to the enemies thereof, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open Court.

Sec. XXVI. Laws shall have a general operation, and no general law, affecting private rights, shall be varied, in any particular case, by special legislation,



except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contract is capable of such free consent.

Sec. XXVII. The power of taxation over the whole State shall be exercised by the General Assembly only to raise revenue for the support of Government, to pay the public debt, to provide a general school fund, for common defence, and for public improvement; and taxation on property shall be *ad valorem* only, and uniform on all species of property taxed.

Sec. XXVIII. The General Assembly may grant the power of taxation to County authorities and Municipal corporations, to be exercised within their several territorial limits.

Sec. XXIX. No poll tax shall be levied except for educational purposes, and such tax shall not exceed one dollar annually on each poll.

Sec. XXX. Mechanics and laborers shall have liens upon the property of their employers for labor performed or material furnished, and the Legislature shall provide for the summary enforcement of the same.

Sec. XXXI. The Legislative, Executive, and Judicial Departments shall be distinct; and each department shall be confined to a separate body of Magistracy. No person or collection of persons, being of one Department, shall exercise any power properly attached to either of the others, except in cases herein expressly provided.

Sec. XXXII. Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.



Sec. XXXIII. The State of Georgia shall ever remain a member of the American Union; the people thereof are a part of the American Nation; every citizen thereof owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State, in contravention or subversion thereof, shall ever have any binding force.

## ARTICLE II.

### FRANCHISE AND ELECTIONS.

Sec. I. In all elections, by the people, the electors shall vote by ballot.

Sec. II. Every male person, born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old, or upward, who shall have resided in this State six months next preceding the election, and shall have resided thirty days in the county in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opportunity of paying, agreeably to law, for the year next preceding the election (except as hereinafter provided), shall be deemed an elector; and every male citizen of the United States, of the age aforesaid (except as hereinafter provided), who may be a resident of the State at the time of the adoption of this Constitution, shall be deemed an elector; and shall have all the rights of an elector, as aforesaid; Provided, That no soldier, sailor or marine in the military or naval service of the United States, shall acquire the rights of an elector by reason of being stationed on duty in this State; and no person shall vote, who, if



challenged, shall refuse to take the following oath: "I do swear that I have not given, or received, nor do I expect to give, or receive, any money, treat, or other thing of value, by which my vote, or any vote, is affected, or expected to be affected, at this election; nor have I given, or promised any reward or made any threat by which to prevent any person from voting at this election."

Sec. III. No person convicted of felony or larceny before any court of this State, or of, or in the United States, shall be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

Sec. IV. No person who is the holder of any public moneys shall be eligible to any office in this State, until the same is accounted for and paid into the Treasury.

Sec. V. No person who, after the adoption of this Constitution, being a resident of this State, shall engage in a duel in this State, or elsewhere, or shall send or accept a challenge, or be aider or abettor to such duel, shall vote or hold office in this State; and every such person shall, also, be subject to such punishment as the law may prescribe.

Sec. VI. The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold office: First—Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the Penitentiary, or bribery. Second—Idiots or insane persons.



Sec. VII.—Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest for five days before an election, during the election, and two days subsequent thereto.

Sec. VIII. The sale of intoxicating liquors on days of election is prohibited.

Sec. IX.—Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and, also, for the members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

Sec. X. The General Assembly shall enact laws giving adequate protection to electors before, during and subsequent to elections.

Sec. XI. The election of Governor, members of Congress, and of the General Assembly, after the year 1868, shall commence on the Tuesday after the first Monday in November, unless otherwise provided by law.

### ARTICLE III.

#### LEGISLATIVE—SECTION I.

I. The Legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, and until otherwise directed, the members thereof, after the first election, shall be elected, and the returns of the election made as now prescribed by law.

II. The members of the Senate shall be elected for four years, except that the members elected at the first election from the twenty-two Senatorial Districts num-



bered in this Constitution with odd numbers, shall only hold their office for two years. The members of the House of Representatives shall be elected for two years. The election for members of the General Assembly shall begin on Tuesday after the first Monday in November of every second year, except the first election, which shall be within sixty days after the adjournment of this Convention; but the General Assembly may by law change the time of election, and the members shall hold until their successors are elected and qualified.

III. The first meeting of the General Assembly shall be within ninety days after the adjournment of this Convention, after which it shall meet annually on the second Wednesday in January, or on such other day as the General Assembly may prescribe. A majority of each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the presence of its absent members as each House may provide. No session of the General Assembly, after the second, under this Constitution, shall continue longer than forty days, unless prolonged by a vote of two-thirds of each branch thereof.

IV. No person holding a Military Commission, or other appointment or office, having any emolument or compensation annexed thereto, under this State or the United States, or either of them, except Justices of the Peace and officers of the Militia, nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either House; nor shall any Senator or Representative, after his qualification as such, be elected by the General Assembly or appointed by the Governor, either with or without the advice and consent of the Senate, to any office or appointment, having any



emolument annexed thereto, during the time for which he shall have been elected.

V. The seat of a member of either House shall be vacated on his removal from the District from which he was elected.

## SECTION II.

I. There shall be Forty-Four Senatorial Districts in this State, composed, each, of three contiguous counties, from each of which Districts one Senator shall be chosen. Until otherwise arranged, as hereinafter provided, the said Districts shall be constituted as follows:

The First District of Chatham, Bryan and Effingham.

The Second District of Liberty, Tatnall and McIntosh.

The Third District of Wayne, Pierce and Appling.

The Fourth District of Glynn, Camden and Charlton.

The Fifth District of Coffee, Ware and Clinch.

The Sixth District of Echols, Lowndes and Berrien.

The Seventh District of Brooks, Thomas and Colquitt.

The Eighth District of Decatur, Mitchell and Miller.

The Ninth District of Early, Calhoun and Baker.

The Tenth District of Dougherty, Lee and Worth.

The Eleventh District of Clay, Randolph and Terrell.

The Twelfth District of Stewart, Webster and Quitman.

The Thirteenth District of Sumter, Schley and Macon.



The Fourteenth District of Dooly, Wilcox and Pulaski.

The Fifteenth District of Montgomery, Telfair and Irwin.

The Sixteenth District of Laurens, Johnson and Emanuel.

The Seventeenth District of Bulloch, Screven and Burke.

The Eighteenth District of Richmond, Glascock and Jefferson.

The Nineteenth District of Taliaferro, Warren and Greene.

The Twentieth District of Baldwin, Hancock and Washington.

The Twenty-First District of Twiggs, Wilkinson and Jones.

The Twenty-Second District of Bibb, Monroe and Pike.

The Twenty-Third District of Houston, Crawford and Taylor.

The Twenty-Fourth District of Marion, Chattahoochee and Muscogee.

The Twenty-Fifth District of Harris, Upson and Talbot.

The Twenty-Sixth District of Spalding, Butts and Fayette.

The Twenty-Seventh District of Newton, Walton and Clarke.



The Twenty-Eighth District of Jasper, Putnam and Morgan.

The Twenty-Ninth District of Wilkes, Lincoln and Columbia.

The Thirtieth District of Oglethorpe, Madison and Elbert.

The Thirty-First District of Hart, Franklin and Habersham.

The Thirty-second District of White, Lumpkin and Dawson.

The Thirty-Third District of Hall, Banks and Jackson.

The Thirty-Fourth District of Gwinnett, DeKalb and Henry.

The Thirty-Fifth District of Clayton, Fulton and Cobb.

The Thirty-Sixth District of Meriwether, Coweta and Campbell.

The Thirty-Seventh District of Troup, Heard and Carroll.

The Thirty-Eighth District of Haralson, Polk and Paulding.

The Thirty-Ninth District of Cherokee, Milton and Forsyth.

The Fortieth District of Union, Towns and Rabun.

The Forty-First District of Fannin, Gilmer and Pickens.



The Forty-Second District of Bartow, Floyd and Chattooga.

The Forty-Third District of Murray, Whitfield and Gordon.

The Forty-Fourth District of Walker, Dade and Calhoun.

If a new county be established it shall be added to a District which it adjoins, and from which the larger portion of its territory is taken. The Senatorial Districts may be changed by the General Assembly, but only at the first session after the publication of each census by the United States Government, and their number shall not be increased.

II. The Senators shall be citizens of the United States, who have attained the age of twenty-five years, and who, after the first election under this Constitution, shall have been citizens of this State for two years, and for one year resident of the District from which elected.

III. The Presiding Officer of the Senate shall be styled the President of the Senate, and shall be elected *viva voce* from the Senators.

IV. The Senate shall have the sole power to try impeachments. When sitting for that purpose the members shall be on oath or affirmation, and shall be presided over by one of the Judges of the Supreme Court, selected for that purpose by a *viva voce* vote of the Senate; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgments in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust or profit within this State; but the



party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

### SECTION III.

I. The House of Representatives shall consist of one hundred and seventy-five Representatives, apportioned as follows: To the six largest Counties, to-wit: Chat-ham, Richmond, Fulton, Bibb, Houston and Burke, three Representatives each; to the thirty-one next largest, to-wit: Bartow, Columbia, Cobb, Coweta, Clarke, Decatur, Dougherty, Floyd, Gwinnett, Greene, Hancock, Harris, Jefferson, Lee, Muscogee, Monroe, Meriwether, Morgan, Macon, Newton, Oglethorpe, Pulaski, Randolph, Sumter, Stewart, Troup, Thomas, Talbot, Washington, Wilkes, and Warren, two Representatives each; and to the remaining ninety-five Counties, one Representative each.

II. The above apportionment may be changed by the General Assembly after each census by the United States Government, but in no event shall the aggregate number of Representatives be increased.

III. The Representatives shall be citizens of the United States who have attained the age of twenty-one years, and who, after the first election under this Constitution, shall have been citizens of this State for one year, and for six months resident of the Counties from which elected.

IV. The Presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected *viva voce* from the body.

V. The House of Representatives shall have the sole



power to impeach all persons who shall have been or may be in office.

VI. All bills for raising revenue, or appropriating money, shall originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

#### SECTION IV.

I. Each House shall be the judge of the election returns, and qualifications of its members, and shall have power to punish them for disorderly behavior or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled, except by a vote of two-thirds of the House from which he is expelled.

II. Each House may punish, by imprisonment, not extending beyond the session, any person, not a member, who shall be guilty of a contempt by any disorderly behavior in its presence or who, during the session, shall threaten injury to the person, or estate of any member for anything said, or done, in either House, or who shall assault any member going to, or returning therefrom, or who shall rescue, or attempt to rescue, any person arrested by order of either House.

III. The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going to or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer any other place for anything spoken in debate in either House.

IV. Each House shall keep a Journal of its proceedings and publish it immediately after its adjournment.



The yeas and nays of the members on any question shall, at the desire of one-fifth of the members present, be entered on the Journal. The original Journal shall be preserved, after publication, in the office of the Secretary of State, but there shall be no other record thereof.

V. Every bill, before it shall pass, shall be read three times, on three separate days, in each House, unless in case of actual invasion or insurrection. Nor shall any law or ordinance pass which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

VI. All Acts shall be signed by the President of the Senate and Speaker of the House of Representatives: and no bill, ordinance or resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed during the same session, under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

VII. Neither House shall adjourn for more than three days, nor to any other place, without the consent of the other; and in case of disagreement between the two Houses on a question of adjournment, the Governor may adjourn either or both of them.

VIII. The officers of the two Houses, other than the President and Speaker, shall be a Secretary of the Senate, and Clerk of the House, and an Assistant for each: a Journalizing Clerk, two Engrossing and two Enrolling Clerks for each House, and the number shall not be increased except by a vote of the House. And their pay, as well as the pay and mileage of the members, shall be fixed by law.



IX. Whenever the Constitution requires a vote of two-thirds of either or both Houses for the passing of an act or resolution, the yeas and nays on the passage thereof shall be entered on the Journal, and all votes on confirmations or refusals to confirm nominations to office by the Governor, shall be by yeas and nays, and the yeas and nays shall be recorded on the Journal.

X. Every Senator, or Representative, before taking his seat, shall take an oath, or affirmation, to support the Constitution of the United States, and of this State, that he has not practiced any unlawful means, directly or indirectly, to procure his election, and that he has not given, or offered, or promised, or caused to be given, or offered, or promised, to any person, any money, treat or thing of value, with intent to affect any vote, or to prevent any person voting at the election at which he was elected.

#### SECTION V.

I. The General Assembly shall have power to make all laws and ordinances, consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

II. The General Assembly may alter the boundaries of, or lay off and establish new counties, or abolish counties, attaching the territory thereof to contiguous counties, but no new county shall be established except by a vote of two-thirds of each House, nor shall any county be abolished except by a vote of two-thirds of each House, and after the qualified voters of the county shall, at an election held for the purpose, so decide.



SECTION VI.

I. No money shall be drawn from the Treasury except by appropriation made by law, and a regular statement and account of the receipt and expenditure of all public money shall be published from time to time, and, also, with the laws passed by each session of the General Assembly.

II. No vote, resolution, law, or order, shall pass, granting a donation, or gratuity, in favor of any person, except by the concurrence of two-thirds of each branch of the General Assembly; nor, by any vote, to a sectarian corporation or association.

III. No law or section of the Code shall be amended or repealed by mere reference to its title, or to the number of the section in the Code, but the amending or repealing act shall distinctly and fully describe the law to be amended or repealed, as well as the alteration to be made; but this clause shall be construed as directory only to the General Assembly.

IV. No law shall be passed by which a citizen shall be compelled, against his consent, directly or indirectly, to become a stockholder in, or contribute to any railroad or work of public improvement, except in the case of the inhabitants of a corporate town or city. In such cases, the General Assembly may permit the corporate authorities to take such stock, or make such contribution, or engage in such work, after a majority of the qualified voters of such town or city, voting at an election held for the purpose, shall have voted in favor of the same; but not otherwise.

V. The General Assembly shall have no power to



grant corporate powers and privileges to private companies, except to Banking, Insurance, Railroad, Canal, Navigation, Mining, Express, Lumber, Manufacturing and Telegraph Companies; nor to make, or change election precincts; nor to establish Bridges or Ferries; nor to change names of legitimate children; but it shall prescribe, by law, the manner in which such powers shall be exercised by the Courts. But no charter for any Bank shall be granted, or extended, and no Act passed authorizing the suspension of specie payments by any Bank, except by a vote of two-thirds of the General Assembly. The General Assembly shall pass no law making the State a stockholder in any corporate company; nor shall the credit of the State be granted, or loaned, to aid any company without a provision that the whole property of the company shall be bound for the security of the State, prior to any other debt, or lien, except to laborers; nor to any company in which there is not already an equal amount invested by private persons; nor for any other object than a work of public improvement. No provision in this Constitution for a two-thirds vote of both Houses of the General Assembly shall be construed to waive the necessity for the signature of the Governor, as in any other case, except in the case of the two-thirds vote required to override the veto.

#### ARTICLE IV.

##### EXECUTIVE—SECTION I.

I. The Executive power shall be vested in a Governor, who shall hold his office during the term of four years, and until such time as a successor shall be chosen and qualified. He shall have a competent salary estab-



lished by law, which shall not be increased, or diminished, during the period for which he shall have been elected; nor shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

II. After the first election, the Governor shall be elected quadrennially, by the persons qualified to vote for members of the General Assembly, on the Tuesday after the first Monday in November, until such time be altered by law, which election shall be held at the places of holding general elections in the several counties of this State, in the same manner as is prescribed for the election of members of the General Assembly. The returns for every election of Governor, after the first, shall be sealed up by the Managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives, and transmitted to His Excellency, the Governor, or the person exercising the duties of Governor for the time being, who shall, without opening the said returns, cause the same to be laid before the Senate, on the day after the two Houses shall have been organized; and they shall be transmitted by the Senate to the House of Representatives. The members of each branch of the General Assembly shall convene in the Representative Hall, and the President of the Senate and the Speaker of the House of Representatives shall open and publish the returns in the presence of the General Assembly, and the person having the majority of the whole number of votes given shall be declared duly elected Governor of the State; but if no person have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the Legisla-



ture to elect, the General Assembly shall immediately elect a Governor *viva voce*; and in all cases of election of a Governor by the General Assembly, a majority of the votes of the members present shall be necessary for a choice. Contested elections shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

III. No person shall be eligible to the office of Governor who shall not have been a citizen of the United States fifteen years, and a citizen of this State six years, and who shall not have attained the age of thirty years.

IV. In case of the death, resignation or disability of the Governor, the President of the Senate shall exercise the executive powers of the Government until such disability be removed or a successor is elected and qualified. And in case of the death, resignation or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the Executive powers of the Government until the removal of the disability or the election and qualification of a Governor. The General Assembly shall have power to provide by law for filling unexpired terms by a special election.

V. The Governor shall, before he enters on the duties of his office, take the following oath, or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will faithfully execute the office of Governor of the State of Georgia, and will, to the best of my abilities, preserve, protect and defend the Constitution thereof, and the Constitution of the United States of America."

## SECTION II.

I. The Governor shall be the Commander-in-Chief



of the Army and Navy of this State and of the Militia thereof.

II. He shall have power to grant reprieves and pardons, to commute penalties, and to remit any part of a sentence for offences against the State, except in cases of impeachment.

III. He shall issue writs of election to fill all vacancies that happen in the Senate, or House of Representatives, and shall have power to convoke the General Assembly on extraordinary occasions, and shall give them, from time to time, information of the State of the Commonwealth, and recommend to their consideration such measures as he may deem necessary and expedient.

IV. When any office shall become vacant by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is appointed, agreeably to the mode pointed out by this Constitution, or by law, in pursuance thereof.

V. A person once rejected by the Senate shall not be re-appointed by the Governor to the same office during the same session, or the recess thereafter.

VI. The Governor shall have the revision of all bills, passed by both Houses, before the same shall become laws, but two-thirds of each House may pass a law, notwithstanding his dissent, and if any bill should not be returned by the Governor within five days (Sunday excepted) after it has been presented to him, the same shall be a law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation and disapprove any other appropriation



in the same bill, and the latter shall not be effectual, unless passed by two-thirds of each House.

VII. Every vote, resolution, or order, to which the concurrence of both Houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or being disapproved, shall be re-passed by two-thirds of each House, according to the rules and limitations prescribed in case of a bill.

VIII. There shall be a Secretary of State, a Comptroller General, a Treasurer and a Surveyor General, elected by the General Assembly, and they shall hold their offices for the like period as the Governor, and shall have a competent salary, which shall not be increased, or diminished, during the period for which they shall have been elected. The General Assembly may, at any time, consolidate any two of these offices, and require all the duties to be discharged by one officer.

IX. The Great Seal of the State shall be deposited in the office of the Secretary of State, and shall not be affixed to any instrument of writing but by order of the Governor, or General Assembly; and that now in use shall be the Great Seal of the State until otherwise provided by law.

X. The Governor shall have power to appoint his own Secretaries, not exceeding two in number, unless more shall be authorized by the General Assembly.

## ARTICLE V.

### JUDICIARY—SECTION 1.

I. The Judicial Powers of this State shall be vested



in a Supreme Court, Superior Courts, Courts of Ordinary, Justices of the Peace, Commissioned Notaries Public, and such other Courts as have been or may be established by law.

## SECTION II.

I. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum. When a majority of the Judges are disqualified from deciding any case, by interest or otherwise, the Governor shall designate certain Judges of the Superior Courts to sit in their stead. At the first appointment of Judges of the Supreme Court under this Constitution, one shall be appointed for four years, one for eight years, and one for twelve years; but all subsequent appointments, except to fill unexpired terms, shall be for a term of twelve years.

II. The Supreme Court shall have no original jurisdiction, but shall be a Court alone for the trial and correction of errors from the Superior Courts, from the City Courts of Savannah and Augusta, and such other like Courts as may be hereafter established in other cities; and shall sit at the seat of Government at such times in each year as shall be prescribed by law, for the trial and determination of writs of error from said Superior and City Courts. The days on which the cases from the several Circuits and City Courts shall be taken up by the Court shall be fixed by law.

III. The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case, unless



prevented by Providential cause, it shall be stricken from the docket, and the judgment below shall stand affirmed. In any case the Court may, in its discretion, withhold its judgment until the next term after the same is argued.

IV. When only two Judges sit in any case, and they disagree, the judgment below shall stand affirmed.

### SECTION III.

I. There shall be a Judge of the Superior Courts for each Judicial Circuit. He may act in other Circuits when authorized by law. At the first appointment of such Judges under this Constitution, one-half of the number (as near as may be) shall be appointed for four years, and the other half for eight years; but all subsequent appointments, except to fill unexpired terms, shall be for the term of eight years.

II. The Superior Courts shall have exclusive jurisdiction in cases of divorce; in criminal cases, where the offender is subjected to the loss of life or confinement in the Penitentiary; in cases respecting titles to land and equity cases, except as hereinafter provided; but the General Assembly shall have power to merge the Common law and Equity Jurisdiction of said Courts. Said Courts shall have jurisdiction in all other civil cases, except as hereinafter provided. They shall have appellate jurisdiction in all such cases as may be provided by law. They shall have power to correct errors in Inferior Judicatories, by writ of *certiorari*, which shall only issue on the sanction of the Judge; and to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs that may be necessary for carrying their powers fully into



effect, and shall have such other power as shall be conferred on them by law.

III. There shall be no appeal from one jury in the Superior Court to another, but the Court may grant new trials on legal grounds. The Court shall render judgment without the verdict of a jury in all civil cases, founded on contract, where an issuable defence is not filed on oath.

IV. The Superior Courts shall sit in each County not less than twice in each year, at such times as have been, or may be, appointed by law.

#### SECTION IV.

I. Until the General Assembly shall otherwise direct, there shall be a District Judge and a District Attorney for each Senatorial District in this State.

II. The District Judge shall have jurisdiction to hear and determine all offences not punishable with death or imprisonment in the Penitentiary; and it shall be the duty of the District Attorney to represent the State in all cases before the District Judge.

III. The District Judge shall sit at stated times, not less than once a month in each County in his District for the trial of offences, and at such other times as the General Assembly may direct.

IV. Offences shall be tried before the District Judge on a written accusation founded on affidavit; said accusation shall plainly set forth the offense charged, and shall contain the name of the accuser, and be signed by the District Attorney.



V. There shall be no jury trial before the District Judge except when demanded by the accused, in which case the jury shall consist of seven.

VI. Such civil jurisdiction may be conferred on the District Judges as the General Assembly may direct.

VII. The District Judges and Attorneys shall hold their offices for a period of four years, and shall receive for their services such stated compensation, in their respective Districts, as may be provided by law, but in no event shall their compensation be in any wise dependent on fines, forfeitures or costs.

#### SECTION V.

I. The powers of a Court of Ordinary and of Probate shall be vested in an Ordinary for each County, from whose decision there may be an appeal to the Superior Court, under regulations prescribed by law.

II. The Courts of Ordinary shall have such power in relation to roads, bridges, ferries, public buildings, paupers, County officers, County funds and taxes and other matters, as shall be conferred on them by law.

III. The Ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.

#### SECTION VI.

I. There shall be in each District, one Justice of the Peace, whose official term, except when elected to fill an unexpired term, shall be four years.



II. The Justices of the Peace shall have jurisdiction, except as hereinafter provided, in all civil cases where the principal sum claimed does not exceed one hundred dollars, and may sit at any time for the trial of such cases; but in cases where the sum claimed is more than fifty dollars, there may be an appeal to the Superior Court, under such regulations as may be prescribed by law.

III. There shall be no appeal to a jury from the decision of a Justice of the Peace, except as provided in the foregoing paragraph.

IV. Notaries Public may be appointed and commissioned by the Governor, not to exceed one for each Militia District, for a term of four years, and shall be *ex-officio* Justices of the Peace.

#### SECTION VII.

1. There shall be an Attorney-General of the State, whose official term, except when appointed to fill an unexpired term, shall be four years.

II. It shall be the duty of the Attorney General to act as the legal adviser of the Executive Department, to represent the State in all civil and criminal cases in the Supreme and Superior Courts, when required by the Governor, and to perform such other services as shall be required of him by law.

#### SECTION VIII.

I. There shall be a Solicitor General for each Judicial Circuit, whose official term, except when appointed to fill an unexpired term, shall be four years.

II. It shall be the duty of the Solicitor General to



represent the State in all cases in the Superior Court, and to perform such other services as shall be required of him by law.

#### SECTION IX.

I. The Judges of the Supreme and the Superior Courts, the Attorney General, Solicitors General, District Judges, and Attorneys, shall be appointed by the Governor, on the address of two-thirds of each branch of the General Assembly, or by impeachment and conviction thereon.

II. Justices of the Peace shall be elected by the legal voters of their respective Districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

#### SECTION X.

I. The Judges of the Supreme and Superior Courts, and the Attorney and Solicitors General shall have, out of the State Treasury, adequate and honorable salaries on the specie basis, which shall not be increased or diminished during their continuance in office. The District Judges and District Attorneys shall receive, out of the Treasuries of the several counties of their District, adequate compensation, on the specie basis, which shall not be increased or diminished during their term of office; but said Judges shall not receive any other perquisites, or emoluments whatever, from parties, or others, on account of any duty required of them.

II. The General Assembly shall provide for the equitable apportionment of the compensation of the Dis-



strict Judges and Attorneys between the Counties composing their Districts, and shall require the moneys arising from fines and forfeitures in the District Courts to be paid in to the Treasuries thereof.

III. No person shall be Judge of the Supreme or Superior Courts, or Attorney General, unless at the time of his appointment he shall have attained the age of thirty years, and shall have been a citizen of this State three years, and have practiced law for seven years.

#### SECTION XI.

I. No total divorce shall be granted except on the concurrent verdicts of two juries. When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties, subject to the revision of the Court.

#### SECTION XII.

I. Divorce cases shall be tried in the county where the defendant resides, if a resident of this State.

II. Criminal cases shall be tried in the County where the crime was committed, except cases in the Superior Courts, when the presiding Judge is satisfied that an impartial Jury cannot be obtained in such County.

III. Cases respecting titles to land shall be tried in the County where the land lies, except where a single tract is divided by a County line, in which case the Superior Court of either County shall have jurisdiction.

IV. Equity cases shall be tried in the County where a defendant resides against whom substantial relief is prayed.



V. Suits against joint obligors, joint promissors, co-partners, or joint trespassers residing in different Counties may be tried in either County.

VI. Suits against the maker or indorser of promissory notes, or other like instruments, residing in different Counties, shall be tried in the County where the maker resides.

VII. All other cases shall be tried in the County where the defendant resides.

#### SECTION XIII.

I. The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate.

II. The General Assembly shall provide by law for the selection of upright and intelligent persons to serve as Jurors. There shall be no distinction between the classes of persons who compose grand and petit juries. Jurors shall receive adequate compensation for their services, to be prescribed by law.

#### SECTION XIV.

I. The Courts heretofore existing in this State, styled Inferior Courts, are abolished, and their unfinished business and the duties of the Justices thereof are transferred to such tribunals as the General Assembly may designate.

#### SECTION XV.

I. The General Assembly shall have power to provide for the creation of County Commissioners in such Counties as may require them, and to define their duties



## SECTION XVI.

I. All Courts not specially mentioned by name in the first Section of this Article, may be abolished in any County, at the discretion of the General Assembly, and the County Courts now existing in Georgia are hereby abolished.

## SECTION XVII.

I. No Court in this State shall have jurisdiction to try or determine any suit against any resident of this State upon any contract or agreement made or implied, or upon any contract made in renewal of any debt existing prior to the first day of June, 1865. Nor shall any Court or ministerial officer of this State have authority to enforce any judgment, execution or decree rendered or issued upon any contract or agreement made or implied, or upon any contract in renewal of a debt existing prior to the first day of June, 1865, except in the following cases:

1. In suits against trustees where the trust power is in the hands of the trustee, or has been invested by him in other specific effects now in his hands, and in suits by the vendor of real estate against the vendee, where not more than one-third of the purchase money has been paid, and the vendee is in possession of the land or specific effects for which he has sold it, and he refuses to deliver the land or said effects to the vendor. In such cases the Courts and officers may entertain jurisdiction and enforce judgments against said trust property or land or effects.



2. In suits for the benefit of minors by trustees appointed before the first day of June, 1865.

3. In suits against corporations in their corporate capacity, but not so as to enforce the debt against the stockholders or officers thereof in their individual capacity.

4. In suits by charitable or literary institutions for money loaned, property—other than slaves sold; or services rendered by such institutions.

5. In suits on debts due for mechanical or manual labor, when the suit is by the mechanic or laborer.

6. In cases when the debt is set up by way of defence, and the debt set up exceeds any debt due by defendant to plaintiff of which the Courts are denied jurisdiction.

7. In all other cases in which the General Assembly shall by law give the said Courts and officers jurisdiction: *Provided*, that no Court or officer shall have, nor shall the General Assembly give jurisdiction or authority to try or give judgment on or enforce any debt, the consideration of which was a slave or slaves, or the hire thereof.

II. All contracts made and not executed during the late rebellion, with the intention and for the purpose of aiding and encouraging said rebellion, or where it was the purpose and intention of any one of the parties to such contract to aid or encourage such rebellion, and that fact was known to the other party, whether said contract was made by any person or corporation with the State or Confederate States, or by a corporation with a natural person, or between two or more natural persons, are hereby declared to have been and to be illegal, and all bonds, deeds,



promissory notes, bills, or other evidences of debt, made or executed by the parties to such contract, or either of them in connection with such illegal contract, or as the consideration therefor or in furtherance thereof, are hereby declared *null* and *void*, and shall be so held in all Courts in this State when attempt shall be made to enforce any such contract, or give validity to any such obligation or evidence of debt. And in all cases when the defendant or any one interested in the event of the suit will make a plea, supported by his or her affidavit, that he or she has reason to believe that the obligation or evidence of indebtedness upon which the suit is predicated, or such part thereof, has been given up or used for the illegal purpose aforesaid, the burden of proof shall be upon the plaintiff to satisfy the Court and Jury that the bond, deed, note, bill or other evidence of indebtedness upon which said suit is brought, is or are not, nor is any part thereof, founded upon, or in any way connected with any such illegal contract, and has not been used in aid of the rebellion, and the date of such bond, deed, note, bill or other evidence of indebtedness shall not be evidence that it has, or has not, since its date, been issued, transferred or used in aid of the rebellion.

III. It shall be in the power of the General Assembly to assess and collect upon all debts, judgments, or causes of action when due, founded upon any contract made or implied before the first day of June, 1865, in the hands of any one in his own right, or as trustee, agent or attorney of another, on or after the first day of January, 1868, a tax of not exceeding 25 per cent., to be paid by the creditor on pain of the forfeiture of the debt, but chargeable by him as to one-half thereof against the debtor, and collectable with the debt: *Provided*, That this tax shall



not be collected if the debt or cause of action be abandoned or settled without legal process, or, if in judgment be settled without levy and sale: *And provided further*, That this tax shall not be levied so long as the Courts of this State shall not have jurisdiction of such debts or causes of action.

## ARTICLE VI.

### EDUCATION.

I. The General Assembly, at its first session after the adoption of this Constitution, shall provide a thorough system of General Education to be for ever free to all children of the State, the expense of which shall be provided for by taxation, or otherwise.

II. The office of State School Commissioner is hereby created. He shall be appointed by the Governor, with the consent of the Senate, and shall hold his office for the same term as the Governor. The General Assembly shall provide for said Commissioner a competent salary and necessary clerks. He shall keep his office at the seat of Government.

III. The Poll tax allowed by this Constitution, any Educational fund now belonging to the State—except the endowment of, and debt due to the State University—or that may hereafter be obtained in any way, a special tax on shows and exhibitions, and on the sale of spirituous and malt liquors—which the General Assembly is hereby authorized to assess—and the proceeds from the commutation for militia service, are hereby set apart and devoted to the support of Common Schools. And if the provisions herein made shall, at any time, prove in-



sufficient, the General Assembly shall have power to levy such general tax upon the property of the State, as may be necessary for the support of said School System. And there shall be established, as soon as practicable, one or more Common Schools in each School District in this State.

## ARTICLE VII.

### SECTION I.—*Homestead and Exemption.*

I. Each head of a family, or guardian, or trustee, of a family of minor children, shall be entitled to a homestead or realty to the value of two thousand dollars, in specie, and personal property to the value of one thousand dollars in specie, both to be valued at the time they are set apart. And no Court, or ministerial officer in this State, shall ever have jurisdiction or authority, to enforce any judgment, decree, or execution against said property so set apart—including such improvements as may be made thereon, from time to time—except for taxes, money borrowed and expended in the improvement of the homestead, or for the purchase money of the same, and for labor done thereon, or material furnished therefor, or removal of encumbrances thereon. And it shall be the duty of the General Assembly, as early as practicable, to provide, by law, for the setting apart and valuation of said property, and to enact laws for the full and complete protection and security of the same to the sole use and benefit of said families as aforesaid.

II. All property of the wife, in her possession at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.



## ARTICLE VIII.

*Militia.*

I. The Militia shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or this State; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law; subject to the paramount authority of Congress over this subject.

II. Volunteer Companies of Cavalry, Infantry or Artillery, may be formed in such manner, and with such restrictions as may be provided by law.

III. No person conscientiously opposed to bearing arms, shall be compelled to do Militia duty; but such persons shall pay an equivalent for exemption; the amount to be prescribed by law and appropriated to the Common School Fund.

## ARTICLE IX.

*County Officers.*

I. The County Officers recognized as existing by the laws of this State, and not abolished by this Constitution, shall, where not otherwise provided for in this Constitution, be elected by the qualified voters of their respective counties or districts, and shall hold their offices for two years. They shall be removable on conviction for malpractice in office, or on address of two-thirds of the Senate.



## ARTICLE X.

*Seat of Government.*

I. The seat of government of this State, from and after the date of the ratification of this Constitution, shall be the City of Atlanta, and the General Assembly shall provide for the erection of a new Capitol, and such other buildings as the public welfare may require.

II. The General Assembly shall have power to provide for the temporary removal of the seat of government in case of invasion, pestilence, or other emergency.

## ARTICLE XI.

*The Laws of General Operation in force in this State, are:*

I. As the Supreme Law: The Constitution of the United States, the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States.

II. As next in authority thereto: this Constitution.

III. In subordination of the foregoing: All acts passed by any legislative body, sitting in this State as such, since the 19th day of January, 1861, including that body of laws known as the Code of Georgia, and the acts amendatory thereof, as passed since that time, which said Code and acts are embodied in the printed book known as "Irwin's Code;" and also so much of the Common and Statute Laws of England and of the Statute Laws of Georgia, as were in force in this State on the 19th day of December, 1860, as are not superseded by said Code, though not embodied therein, except so much of the said several Statutes, Codes and Laws as may be



inconsistent with the supreme law herein recognized, or may have been passed in aid of the late rebellion against the United States, or may be obsolete, or may refer to persons held in slavery, which excepted laws are inoperative and void; and any future General Assembly shall be competent to alter or repeal (if not herein prohibited) any portion of the laws declared to be of force in this third specification of this clause of this Article; and if in any of said laws herein declared of force the word "Confederate" occurs before the word States, such law is hereby amended by substituting the word "United" for the word "Confederate."

IV. Local and private acts, passed for the benefit of counties, cities, towns, corporations, and private persons, not inconsistent with the supreme law, nor with this Constitution, and which have not expired, nor been repealed, shall have the force of statute laws, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

V. All rights, privileges and immunities which may have vested in, or accrued to any person or persons, or corporations in his, her, or their own right, or in any fiduciary capacity, under any act of any legislative body, sitting in his State as such, or of any decree, judgment or order of any Court, sitting in this State, under the laws then of force and operation therein—and recognized by the people as a Court of competent jurisdiction, since the 19th day of January, 1861, shall be held inviolate by all the Courts of this State, unless attacked for fraud, or unless otherwise declared invalid by or according to this Constitution.

VI. The records, dockets, books, papers, and pro-



ceedings of any Court or office existing in this State, by the laws thereof, on the 19th day of January, 1861, or purporting to exist by said laws, and recognized and generally obeyed by the people as such, since the said time, and before the several Courts and officers provided for by this Constitution shall have gone into actual operation, shall be transferred to the several Courts and officers by this Constitution provided for, and shall have force and be executed, perfected, and performed therein, as follows and not otherwise, to-wit:

Final judgments, decrees, proceedings, and acts, fully executed and performed, or not requiring performance or execution, shall have full force and effect as though no interruption had taken place in the legal succession of said Courts and offices, except as herein otherwise provided. Proceedings not final, and judgments, and decrees not fully executed or performed, shall proceed and be performed in such cases, and such cases only, as this Constitution, or the laws made in pursuance thereof, confer jurisdiction and authority over the causes of actions on which said cases, judgments, decrees, or proceedings, civil or criminal, are founded: *Provided*, that all said judgments, decrees, and proceedings shall be subject to be set aside, or reversed, or vacated, by proceedings in the several Courts having custody of the records, as though they were in the judgments of said Courts, and shall be subject always to be explained as to the meaning of the word dollar or dollars, as used in the same; and no motion for a new trial, bill of review, or other proceeding, to vacate any judgment, order, or decree, made since the 19th day of January, 1861. by any of said Courts, for fraud, illegality, or error of law, shall be denied, by reason of the same not having been moved



in time: *Provided*, said motion or application is made in twelve months from the adoption of this Constitution.

VII. The books, papers, and proceedings of the Inferior Courts shall be transferred to, and remain in, the control of the Ordinaries, who shall perform the duties of said Courts until otherwise provided by law. The books, papers, and proceedings of the County Courts, and the unfinished business thereof, shall be transferred to the Superior Courts, and the same shall be finished and performed by the said Superior Courts and the officers thereof, in such cases, and in such cases only, as the said Courts are, by this Constitution, or the laws made in pursuance thereof, granted jurisdiction over the subject-matter or debts on which said cases and judgments, civil or criminal, are founded.

VIII. The cases pending, and the judgments had and made in the City Courts of Savannah and Augusta, and in the various Justices' Courts in this State, shall be finished and the judgments performed by the City Courts, and officers and justices, provided by this Constitution, in such cases, and such only, as by this Constitution jurisdiction is given to said Courts and officers, over the causes of action on which they are founded.

IX. The judgments and proceedings of Courts, and acts of officers within their jurisdiction as provided by law, shall be valid, notwithstanding the judges of said courts or the said officers were appointed by the military authorities of the United States, and any of said judgments, or acts, or proceedings made, or done, under or by virtue of, or in accordance with the orders of said military authorities, duly made, are as valid as if done under a law of this State.



X. These several acts of confirmation shall not be construed to divest any vested right, nor to make any act criminal otherwise not criminal, but they shall be construed as acts of peace, and to prevent injustice: *Provided*, that nothing in this Constitution shall be so construed as to make valid any acts done by, or before, any such *de facto* officer, which would, by legalizing such acts, render that criminal which was not criminal when done; or cause any act not legally criminal when done to become criminal by giving validity to such act after it was done; but all such acts shall be held by the courts to be null and void.

XI. Should this Constitution be ratified by the people, and Congress accept the same with any qualifications or conditions, the Government herein provided for, and the officers elected shall nevertheless exist and continue in the exercise of their several functions, as the Government of this State, so far as the same may be consistent with the action of the United States in the premises.

XII. The ordinances of this Convention, on the subject of the first election, and the first General Assembly, shall have the force of laws, until they expire by their own limitation, and all other ordinances of a mere legislative character, shall have the force of laws, until otherwise provided by the General Assembly.

## ARTICLE XII.

### *Amendments to the Constitution.*

I. This Constitution may be amended by a two-thirds vote of two successive Legislatures, and by a submission of the amendment to the qualified voters for



final ratification. But the General Assembly shall not call a Convention of the people in the election of delegates to which any person, qualified to vote by this Constitution, shall be disqualified. And the representation in said Convention shall be based on population. Nor shall the right of suffrage ever be taken from any person qualified by this Constitution to vote.

J. R. PARROTT,

*President Georgia Constitutional Convention.*

*Attest:*

P. M. SHEIBLEY,

*Secretary Georgia Constitutional Convention.*

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## ORDINANCES.

### No. 1.

#### AN ORDINANCE.

*To Grant Temporary Relief to the People of Georgia.*

*Whereas*, The question of affording some relief to the people of Georgia from the burden of indebtedness which is now oppressing them, is likely to be acted upon by this Convention at some future day; and,

*Whereas*, Large amounts of property are now levied on and about to be sacrificed at Sheriff's sale; and,

*Whereas*, The debtor, in such cases, should be entitled to the benefits which may be conferred on other debtors by the future action of this Convention; therefore,



*Be it ordained by the People of Georgia, in Convention assembled, and it is hereby ordained by authority of the same, That from and after the passage of this Ordinance, all levies which have been, or may be made, under execution issued from any Court of this State, shall be suspended until this Convention shall have taken, or shall have refused to take, final action upon the matter of relief; and that all sales under execution in violation of this Ordinance shall be null and void, and of no effect.*

Adopted, 12th December, 1867.

J. R. PARROTT, *President.*

Attest: P. M. SHEIBLEY, *Secretary.*

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## NO. II.

### AN ORDINANCE.

*To Levy and Collect a Tax to Pay the Delegates and Officers Connected With This Convention, as Well as all Other Incidental Expenses.*

*Be it ordained by the people of Georgia, in Convention assembled, That it shall be the duty of the Comptroller General of the State of Georgia to levy and collect a tax of one-sixteenth of one per cent. on all the taxable property of this State, as returned upon the digests for the year 1867, in addition to the State tax; and the Comptroller General shall direct and require the Tax Collectors in the several counties in this State to collect the tax so assessed, or so much thereof as will defray the expenses of this Convention, and pay the same into the*



Treasury of the State of Georgia on or before the 1st of November, 1868.

*Be it further ordained*, That the Treasurer of this State is hereby authorized and directed to advance to the disbursing officer of this Convention, out of the Treasury of this State, forty thousand dollars, to defray the expenses of this Convention, and the pay and mileage of its members and officers, up to the 23rd day of December, 1867.

*Be it further ordained*, That N. L. Angier is hereby appointed the disbursing officer of this Convention, and is authorized to receive and receipt for the sum aforesaid from the Treasurer, and to pay out the same on warrant of the President of this Convention, on the report of the Auditing Committee. The amount so advanced by the Treasurer shall be replaced by the tax ordered by this Convention to be assessed and collected for the expenses, pay and mileage of the members and officers thereof.

*Be it further ordained*, That the several Tax Collectors shall receive the same per cent. for collecting the same as they are now allowed by law for collecting the State tax.

Adopted, 20th December, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. III.

## AN ORDINANCE.

*To Provide the Means of Defraying the Expenses of This Convention, and the Compensation of Officers and Members.*

SECTION 1. *Be it ordained by the People of Georgia, in Convention Assembled,* That an Ordinance of this Convention, passed on the 20th day of December, 1867, entitled, "An Ordinance to levy and collect a tax to pay the delegates and officers connected with the Convention, as well as all other incidental expenses," except the second section thereof, is hereby rescinded, and the following is ordained in lieu thereof, to-wit:

That it shall be the duty of the Comptroller General of the State of Georgia to levy and assess a tax of one-tenth of one per cent. on all the taxable property of this State as returned upon the digests for the year 1867, for the purpose of defraying the expenses of this Convention and the compensation of officers and members thereof.

And it shall be the duty of the Tax Collectors, in the several counties of this State, to collect the tax so assessed, and to pay the same to the Comptroller General, on or before the first day of May, 1868. And it shall be the duty of the several Tax Collectors to issue executions against all persons subject to taxation under this Ordinance whose tax is unpaid after twenty days' notice to pay it, for the amount of tax due by them, and fifty per centum thereon and all costs; and of Sheriffs and Constables to levy and sell, under such executions, and to return



the proceeds to the Tax Collectors as soon as the same can be done under the provisions of existing laws.

Sec. 2. *Be it further ordained*, That any scrip which may be issued by the authority of this Convention, for the purpose aforesaid, shall be receivable by the Comptroller General from the Tax Collectors in payment of the tax aforesaid.

Sec. 3. *Be it further ordained*, That the Tax Collectors shall receive the same per cent. for collecting the tax aforesaid as they are now allowed by law for collecting the State tax.

Sec. 4. *Be it further ordained*, That the Comptroller General shall issue to the Tax Collectors all necessary orders for the collection and payment of the tax aforesaid, which orders shall be binding upon said Collectors.

Sec. 5. *Be it further ordained*, That the moneys and scrip received by the Comptroller General under this Ordinance be paid by him into the Treasury of this State, to be disposed of as this Convention shall hereafter direct.

Adopted, February 8, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. IV.

AN ORDINANCE.

*To Establish Congressional Districts.*

*The People of Georgia, in Convention assembled, do ordain*, That, conforming to the last apportionment of members of the House of Representatives of the United



States Congress, there shall be, in the State of Georgia, seven Congressional Districts, as follows, until changed by act of the General Assembly, viz:

The First District shall include the counties of Chatham, Bryan, Liberty, McIntosh, Wayne, Glynn, Camden, Charlton, Ware, Pierce, Appling, Tatnall, Bulloch, Colquitt, Effingham, Screven, Emanuel, Montgomery, Telfair, Coffee, Clinch, Echols, Lowndes, Berrien, Irwin, Laurens, Johnson, Brooks, and Thomas.

The Second District shall include the counties of Deatur, Early, Miller, Baker, Mitchell, Worth, Dooly, Wilcox, Pulaski, Chattahoochee, Macon, Marion, Sumter, Webster, Stewart, Quitman, Clay, Calhoun, Randolph, Terrell, Lee, and Dougherty.

The Third District shall include the counties of Muscogee, Schley, Taylor, Talbot, Harris, Troup, Meriwether, Heard, Coweta, Fayette, Clayton, Carroll, Campbell, Houston, and Crawford.

The Fourth District shall include the counties of Upson, Pike, Spalding, Henry, Newton, Butts, Monroe, Bibb, Twiggs, Wilkinson, Baldwin, Jones, Jasper, and Putnam.

The Fifth District shall include the counties of Washington, Jefferson, Burke, Richmond, Glascock, Hancock, Warren, Columbia, Lincoln, Wilkes, Taliaferro, Greene, Morgan, Oglethorpe, and Elbert.

The Sixth District shall include the counties of Milton, Gwinnett, Walton, Clarke, Jackson, Madison, Hart, Franklin, Banks, Hall, Forsyth, Pickens, Dawson, Lumpkin, White, Habersham, Rabun, Towns, Union, Fannin, and Gilmer.

The Seventh District shall include the counties of De-



Kalb, Fulton, Cobb, Polk, Floyd, Bartow, Cherokee, Gordon, Chattooga, Walker, Whitfield, Murray, Catoosa, Dade, Haralson, and Paulding.

Adopted, March 6, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. V.

AN ORDINANCE.

*To Provide for the Election of Civil Officers.*

*Whereas*, All civil officers of the State are only provisional, until this State is represented in Congress; and

*Whereas*, The interest of Georgia requires that all civil offices should be filled by loyal citizens, according to the provisions of the Constitutions, being framed by this Convention, at the earliest practicable moment, and for the purpose of avoiding any unnecessary delay or loss of time, and useless expense to the State;

*It is ordained*, That an election be held, beginning on the 20th day of April, 1868, (at such places as may be designated by the Commanding General of this District), for voting on ratification of the Constitution, for election of Governor, Members of the General Assembly, Representatives to the Congress of the United States, and all other officers to be elected, as provided in the Constitution, and said election shall be kept open, from day to day, at the discretion of the General Commanding; and at said election on the ratification of the Constitution, and for



Governor, Members of Congress, Members of the General Assembly, and all other civil officers, the qualification for voters shall be the same as prescribed by the act of Congress (known as the Sherman Bill) for voters at the election on the ratification of the Constitution, and at all elections under the Provisional Government. And, Major General Meade is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made, and certificates of election to issue, by proper officers.

*And be it further ordained,* That the regulations established by Congress for voting upon the ratification of the Constitution, and for voting at elections under the Provisional Government, shall apply to the election of officers, as aforesaid; and the persons so elected, or appointed, shall enter upon the duties of the several offices, to which they have been respectively elected, when authorized so to do by Acts of Congress, or by the order of the General Commanding; and shall continue in office till the regular succession provided for after the year 1868, and until successors are elected and qualified; so that said officers shall each of them hold their offices as though they were elected on the Tuesday after the first Monday in November, 1868, or elected, or appointed, by the General Assembly next thereafter; and the rules for conducting and making the returns thereof shall be the same as shall be prescribed by the Commanding General for the elections and returns on the ratification of the Constitution. But this Ordinance shall not apply to the Justices of the Peace, who shall be elected at such time as shall be provided for by the first General Assembly, until otherwise provided by law. Upon any voter being challenged he shall take the following oath:



“You do solemnly swear (or affirm) that you have been duly registered agreeably to the Acts of Congress; that you have not prevented, or attempted to prevent, any person from voting at this election; that if the Constitution, upon which the vote is now being taken, is ratified, that you will truly and faithfully support it. So help you God.”

Adopted, March 10, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. VI.

AN ORDINANCE.

*To Provide for Certain Municipal Elections.*

...*The People of the State of Georgia, in Convention met, do ordain*, That the election for Mayor, Aldermen, Councilmen, and all other officers, elected by the people in all cities and incorporated towns in this State, where the official term has expired, and the vacancies have not been filled by appointment of the military authorities, shall commence on the 20th day of April, in the present year; and the Major General Commanding the Third Military District is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made, and certificates of election to issue by the proper officers.

*And be it further ordained*, That the regulations, established by Congress, for voting upon the ratification of



the Constitution, and for voting at elections under the Provisional Government, shall apply to the election of officers as aforesaid; and the persons so elected shall continue in office till the regular succession, provided for after the year 1868, and until successors are elected and qualified. Upon any voter being challenged he shall take the following oath:

“You do solemnly swear (or affirm) that you have been duly registered, agreeably to the Acts of Congress; that you have not prevented, or endeavored to prevent any person from voting at this election. So help you God.”

Adopted, March 10, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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## No. VII.

### *To Confirm and Re-Adopt Certain Ordinances.*

*Be it ordained by the People of Georgia, in Convention assembled,* That the following Ordinances, adopted by the Convention of 1865, are hereby expressly, and in their terms, confirmed and re-adopted, to-wit:

“*An Ordinance to Repeal certain Ordinances and Resolutions therein mentioned, heretofore passed by the People of Georgia in Convention:*

“We, the people of the State of Georgia, at our Seat of Government, do declare and ordain, That an Ordinance, adopted by the same people in Convention on the



nineteenth day of January, A. D. eighteen hundred and sixty-one, entitled, 'An Ordinance to dissolve the union between the State of Georgia and other States, united with her under a compact of government—the Constitution of the United States.' ” Also, an Ordinance, adopted by the same on the sixteenth day of March in the year last aforesaid, entitled, “An Ordinance to adopt and ratify the Constitution of the Confederate States of America;” and, also, all Ordinances and Resolutions of the same, adopted between the sixteenth day of January and the twenty-fourth day of March, in the year aforesaid, subversive of, or antagonistic to, the civil and military authority of the Government of the United States of America, under the Constitution thereof, be and the same are hereby repealed.

*“An Ordinance to declare null and void all laws of the State of Georgia by which money has been raised for the purpose of carrying on and sustaining the late war against the United States, and all notes, bills, bonds, and contracts founded on the same.*

*“Be it ordained by the People of Georgia, in Convention assembled, That all laws which have been heretofore passed for the purpose of raising money to sustain and carry on the late war against the United States are null and void, and that no Legislature, hereafter to be assembled, shall levy any tax, or make any appropriation directly, or indirectly, to pay any note, bill, bond, or contract founded on the same.”*

But this special adoption of the Ordinance herein quoted, shall not be construed to disaffirm any other of a purely legislative character, passed by said Convention, but such acts shall have force as laws in accordance with



the provisions of the several confirming Acts, adopted by this Convention and this Constitution.

Adopted, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. VIII.

AN ORDINANCE.

*To Provide for the Re-assembling of this Convention if Necessary.*

*Be it ordained*, That, should it be necessary for this Convention, after its adjournment, to re-assemble to complete the reconstruction of the State, it shall do so at the call of the President of the same; and in default of the President, then of the President *pro tempore*, Hon. James L. Dunning, and in default of both, then by the General commanding the Third Military District. And should no such call be made in twelve months from this date, then this Convention shall stand adjourned *sine die*.

Adopted, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## RESOLUTIONS.

## No. I.

## A RESOLUTION

*Permitting Representatives of the Press to have seats in the Convention.*

*Resolved*, That all bona fide representatives of the Press shall have and hold seats in this Convention, so long as they do not misrepresent the action of members, or the proceedings of this body.

Passed, December 11, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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## No. II.

## A RESOLUTION

*Tendering Generals Pope and Sibley, and Colonel Hulbert, with their Staff Officers, seats on the Floor.*

*Resolved*, That General Pope, General Sibley, and all their staff officers, and Colonel Hulbert and his staff officers, be invited to seats on this floor.

Passed, December 11, 1865.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



No. III.

A RESOLUTION

*Appointing a Committee of Seven to Notify General Pope of the Organization of the Convention, and to invite his attendance.*

*Resolved*, That a Committee of Seven be appointed by the Chair to wait on General Pope, commanding the Third Military District, and inform him that, in obedience to General Order No. 89, this Convention is now assembled and organized, and to invite his presence in the Convention at his pleasure.

Adopted, December 10, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. IV.

A RESOLUTION

*Requiring the signatures and attestations of the President and Secretary.*

*Resolved*, That all Ordinances and Resolutions of this Convention shall be signed by the President and attested by the Secretary, which shall be sufficient authentication of the same.

Adopted, December 12, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. V.

## PREAMBLES AND RESOLUTIONS

*On the subject of the Cotton Tax.*

WHEREAS, The successful culture of cotton in Georgia is essential to the prosperity of the people and the full development of the material interests of the State; and, *whereas*, the encouragement given to its production abroad during the war has largely increased that production, which has, in connection with other causes, so reduced its value as to seriously endanger its continued cultivation as a leading staple by our people; therefore,

*Resolved*, That the Convention do recommend the repeal of the Cotton Tax. and, if practicable, the application of the repeal to the present crop.

*Resolved*, That the Convention considers its repeal as essential to the continued successful cultivation of cotton, as the great staple of the country, and as a measure of relief to both agricultural, capital and labor.

*Resolved*, That the Convention having confidence in the honest desire of the Government of the United States, to aid in restoring the prosperity of the people of Georgia, and the development of all her material interest, do hereby request the President of the Convention to forward a certified copy of these Resolutions to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, with a request that they be presented at an early day to both Houses of Congress.

Passed, December 11, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



No. VI.

A RESOLUTION

*Tendering the Hon. Joshua Hill a seat on the floor.*

*Resolved*, That a seat in the Hall of the Convention be, and the same is hereby tendered, to the Hon. Joshua Hill, during his sojourn in the city.

Passed, December 17, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. VII.

PREAMBLE AND RESOLUTION

*For the appointment of a Committee to report upon the Powers of the Convention.*

WHEREAS, Doubts have been expressed whether this Convention is authorized to transact any other business than to frame a Constitution and Civil Government for the State of Georgia, and such Ordinances as are necessary for the proper performance of that duty; and

WHEREAS, The true powers of the Convention, on the matter indicated, ought to be distinctly defined; therefore,

*Resolved*, That the President appoint a Committee of ten, who shall consider and report upon the question as soon as practicable.

Adopted, December 16, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. VIII.

## REPORT

*Of the Committee relative to the Powers of the Convention.*

*Resolved*, That all Ordinances, or other matter of a legislative character, already introduced and pending, are hereby indefinitely postponed, and in future no Ordinance, or other matter of said character, not necessarily connected with the fundamental law, shall be entertained by the Convention; *Provided*, That the foregoing shall not apply to matter touching the general relief of the people of the State.

Agreed to 17th December, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. IX.

## A RESOLUTION

*Fixing the per diem and mileage of the Members and Officers of this Convention.*

*Resolved*, That the per diem and mileage of the Members and Officers of this Convention be the same as paid to the Members and Officers of the last General Assembly of this State.

Passed, December 18, 1867.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



No. X.

RESOLUTION

*Of thanks to Brevet Major General John Pope.*

*Resolved, by the people of Georgia, in Convention assembled, That the administration of Brevet Major General Pope, commanding Third Military District, receives the cordial approval of this Convention; and we hereby tender to General Pope our hearty thanks for the wisdom, justice, and moderation with which he has exercised the vast powers conferred upon him by the authority of the Congress of the United States.*

Passed, December 19, 1867.

J. R. PARROTT, *President.*

Attest: P. M. SHEIBLEY, *Secretary.*

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No. XI.

RESOLUTIONS

*To take recess from the 23d December to the 8th of January next.*

*Resolved, That the Convention take a recess from the 23d day of December to the 8th day of January next—the members not to be entitled to their *per diem* compensation during the recess, but to be entitled to mileage to and from their homes.*

*Resolved, That the Standing Committees have leave to sit during the said recess, and the members of such*



Committees be entitled to their *per diem* compensation for such days in the recess as they actually sit.

Passed, December 20, 1867.

J. R. PARROTT, *President*.

*Attest:* P. M. SHEIBLEY, *Secretary*.

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No. XII.

REPORT

*Of the Committee on Relief.*

The Committee on Relief, to whom were referred sundry Ordinances relating to an extension of time to tax payers and Tax Collectors, having had the subject under consideration, respectfully report: That, while they regret the circumstances which cause all public burdens to be severely felt by our people, they are obliged to recognize the necessity of supporting our civil Government, and of promptly paying the interest of the public debt. They are assured that the people of Georgia are resolved to maintain the credit of the State, at every inconvenience to themselves. Under present laws, the Governor has a discretion to suspend the collection of taxes for a limited time; and the Committee desire that this discretion be now exercised so as to accommodate the tax payer, if it can be done without injury to public interest. They recommend the passing of the following Resolution:

*Resolved*, That the Convention request the Governor to exercise the power given him by existing laws, to suspend the collection of taxes, if, in his judgment, the same can be done without injuring the credit of the State.

Agreed to, December 19, 1867.

J. R. PARROTT, *President*.

*Attest:* P. M. SHEIBLEY, *Secretary*.



No. XIII.

A RESOLUTION

*To employ Clerks for the Committee on "Privileges and Elections."*

*Resolved*, That the Chairman of the Committee on Privileges and Elections be authorized to employ such Clerks as may be necessary in the discharge of the duties of that Committee, and that said Committee be authorized to send for persons and papers.

Passed, December 20, 1867.

J. R. PARROTT, *President*.

*Attest*: P. M. SHEIBLEY, *Secretary*.

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No. XIV.

REPORT

*Of the Committee on Privileges and Elections.*

*Resolved*, That the proclamation of General Pope is conclusive in all cases as to the votes, list of voters, election returns, and persons elected.

Agreed to, 9th January, 1868.

J. R. PARROTT, *President*.

*Attest*: P. M. SHEIBLEY, *Secretary*.



## No. XV.

## A RESOLUTION

*Tendering to Major General Meade and Staff seats on the floor.*

*Resolved*, That Major General Meade and his staff be invited to take seats on the floor of the Convention.

*Resolved*, That a Committee of five be appointed by the President to present the foregoing Resolution to Major General Meade, and to make it known to him that the Convention welcomes him to this Military District, and will take pleasure in co-operating with him (to the extent of its powers) in executing the Reconstruction Acts of Congress.

Passed, January 8, 1868.

J. R. PARROTT, *President*.

*Attest*: P. M. SHEIBLEY, *Secretary*.

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No. XVI.

## A RESOLUTION

*Appointing a Committee to petition for the relief of certain Persons in this State from Political Disabilities.*

*Resolved*, That the Hon. C. H. Hopkins, of Chatham, in the First Congressional District, Hon. H. K. McCay, of Sumter, in the Second Congressional District, Hon. G. W. Ashburn, of Muscogee, in the Third Congressional District, Hon. T. J. Speer, of Pike, in the Fourth Con-



gressional District, Hon. B. Conley, of Richmond, in the Fifth Congressional District, Hon. Madison Bell, of Banks, in the Sixth Congressional District, and Hon. J. L. Dunning, of Fulton, in the Seventh Congressional District, are hereby constituted a Committee of seven, to prepare and submit to this Convention a list of names of such persons in the State of Georgia, as are now laboring under any political disability, imposed by Acts of Congress, who have aided and assisted in carrying out the laws of Congress, for a reconstruction of the Government by restoration of this State to the Union, and who thereby, in the opinion of this Convention, are worthy of the clemency of Congress; and that on the adoption of said list, it be forwarded to the Speaker of the House of Representatives, and President of the Senate, with a recommendation that the said persons be restored to all the rights and privileges of citizens of the United States.

*Resolved*, That a Sub-Committee, consisting of the Chairman of each delegation of this Convention, be constituted a Sub-Committee, with a request that they furnish the original Committee with names of such persons in their several Districts as may be worthy of the clemency asked for.

Adopted, January 9, 1868.

J. R. PARROTT, *President*.

*Attest*: P. M. SHEIBLEY, *Secretary*.



## No. XVII.

## REPORT

*Of the Committee on Finance.*

Your Committee beg leave to report, that, pretermittng any opinion as to the validity of the Constitution of 1865, or the Acts of the General Assembly, that existed under and by virtue of its authority, we beg leave to recommend the adoption of the following resolution:

*Resolved*, That in the opinion of the Convention it is unwise and inexpedient to, directly or indirectly, interfere with the legislation of the General Assembly, authorizing the issue of bonds for the purpose of paying the indebtedness of the State.

Agreed to, January 14, 1868.

J. R. PARROTT, *President*.

*Attest*: P. M. SHEIBLEY, *Secretary*.

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## No. XVIII.

## A RESOLUTION

*Of thanks to Major General George G. Meade.*

*Resolved*, That this Convention do unanimously tender their thanks to General Meade, Military Commander of the Third Military District, for the course he has pursued in regard to reconstruction.

Passed, January 16, 1868.

J. R. PARROTT, *President*.

*Attest*: P. M. SHEIBLEY, *Secretary*.



## No. XIX.

## PREAMBLE AND RESOLUTION

*In Reference to the Reorganization of the State Government, the Removal of Political Disabilities, and the Modification of the "Test Oath."*

WHEREAS, The Reconstruction Acts recognize the existence of a Government within the limits of Georgia, subject to the Military Commander of the District and the paramount authority of Congress, under which certain officials hold office; *and whereas*, the time for which said officials were elected, as set forth in the laws allowed to operate within said limits, has expired, and said officials hold only by reason of a failure to provide their successors; *and whereas*, a great many of said officials are hostile to, and insidiously using their influence against the restoration of Georgia to the Union, and by so doing are not only seriously retarding the work of reconstruction, but also materially affecting the prosperity of the State; therefore,

*Resolved*, That the Convention do hereby request the Legislative Department of the Government of the United States, to authorize this body to declare vacant the Chief Executive office of the State, and to fill the same, as well as to provide for the removal, through the Chief Executive office of the State thus selected, of all persons who are hostile to reconstruction, and the filling of such vacancies by said Executive.

*Resolved*, That the Convention, in justice to the friends of reconstruction under the Reconstruction Acts, do hereby request the Department aforesaid, to relieve



all such of existing disabilities, that they may be eligible to fill the vacancies thus created.

*Resolved*, That the Convention do further request the modification of the "Test Oath," so as to admit of all persons who have aided or abetted the late war against the United States holding office therein, provided such persons heartily regret the past, and are earnestly attached to, and are determined to labor for the reunion of the States on the basis of the Reconstruction Acts.

*Resolved*, That a copy of the foregoing Preamble and Resolutions be forwarded by the President of the Convention to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives.

Adopted, January 21, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XX.

A RESOLUTION.

*Asking the Proper Authorities of the United States to Furnish to the People of North-east Georgia Mail Facilities.*

*Whereas*, The people of the North-eastern portion of the State are almost entirely deprived of mail facilities, and especially of any means of direct communication with Atlanta, one of the principal commercial cities of the State;



*Resolved*, That this Convention do recommend the re-establishment of the tri-weekly mail route and line of hacks from Gainesville to Anderson C. H., South Carolina, by way of Homer, Carnesville, and Hartwell.

*Resolved*, That the Secretary immediately forward to the proper authority a copy of the above Resolution, with request that the route be immediately established.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXI.

A RESOLUTION.

*To Appoint a Committee to Wait Upon Hon. John Erskine.*

*Resolved*, That a Committee of three be appointed to inform Hon. John Erskine, Judge of the U. S. District Court, who is now in this city, that the Convention has tendered him a seat on its floor, and to inform him that the Convention will be pleased with his presence at his convenience.

Passed, January 22, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXII.

PREAMBLE AND RESOLUTION.

*Asking in Behalf of Southern Planters a Loan of Thirty Millions of Dollars from the United States Government.*

The Constitutional Convention of the State of Geor-



gia presents to the Congress of the United States the following considerations:

A loan by the United States Government to the impoverished planters of the South, of a reasonable amount of United States currency for agricultural purposes, properly guarded by mortgages, and equitably distributed among the most needy, would be of incalculable advantage to the whole country.

Such a loan would restore the productions of the South, and give a market for the goods of the North and produce of the West.

It would at once energize the South into an honorable attempt to compete with England—our rival in cotton raising—and return with interest a full payment for all her zeal in fostering our late troubles, in order that she might establish her selfish policy of producing cotton in the East to the injury of our cotton States, and thereby take commanding control of what has been the great source of our commercial prosperity as a people. Mortgages on real estate can be taken of twice the value of the money loaned.

No man need borrow more than two-thirds of what he can give good assurance will be the value of his coming crop.

The people of the South need relief. Almost destroyed by the great conflict just over, Providence, so far, has not smiled upon the Southern planter.

In 1866 there was a short crop, from drought and other causes. In 1867 planters planted, hoping to realize from twenty-five to thirty cents per pound on cotton. By the decline in market, cotton planters have failed to



realize the cost of production, and are, to an alarming extent, now comparatively helpless for the coming crop. In proportion as the cotton planter is unable to plant for a large amount of cotton, will the freedmen necessarily suffer. The extent of suffering among the freedmen, unless Southern planters are fostered by the Government, will be appalling to the Christian heart. The "nation's wards" cannot be better cared for than by thus providing for them remunerative labor upon that staple, with the production of which they are already familiar, and which yields to them the greatest reward for that service which they are best fitted, by raising, to perform.

A liberal law by Congress, as indicated, would do much to stimulate national fraternity.

In view of the foregoing, be it, therefore,

*Resolved*, That the Congress of the United States be respectfully petitioned to appropriate thirty millions of United States currency, to be loaned, under proper regulations, to aid in developing the agricultural interests of needy Southern planters.

*Resolved*, That copies of the foregoing Preamble and Resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that they be laid before those bodies, and that copies be also transmitted to the Presidents of the Constitutional Conventions in the Southern States; and that we invite the co-operation of such Conventions in this application to Congress.

Passed, February 1, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. XXIII.

## REPORT.

*Of the Committee, and Resolutions on the Death of the  
Hon. C. C. Richardson, of Baldwin County.*

*Whereas*, It has pleased Divine Providence to take from our midst, in the vigor of manhood and in the full enjoyment of the blessings of health and prosperity, as well as in the due performance of his duties as a delegate from the Twentieth Senatorial District of Georgia in the Constitutional Convention of the same, the Hon. C. C. Richardson, formerly of Dixfield, in the State of Maine; and,

*Whereas*, The said delegate has passed from our midst by a most unfortunate occurrence, after having for years braved death in behalf of his flag and country, and having exemplified by his acts as a soldier his devotion to the Constitution and the Union; and

*Whereas*, The deceased, true to his first principles and ardent in his desire to restore the Union, has, as a co-laborer in the work of reconstruction, zealously represented his District, and has fallen in the midst of his official labors.

*Resolved*, That this Convention recognize in the person of the deceased a zealous and steadfast friend, an open and manly opponent, and an earnest co-laborer in the work of restoration.

*Resolved*, That this Convention tender their sympathies to the relatives and friends of the deceased.

*Resolved*, That the Convention do wear the usual badge of mourning for a period of thirty days.



*Resolved*, That a copy of the above be forwarded to the immediate relatives of the deceased.

Passed, February 7, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXIV.

A RESOLUTION.

*Requesting Major General Meade to Enforce an Ordinance of this Convention, entitled "An Ordinance to Provide the Means of Defraying the Expenses of this Convention," etc.*

*Resolved*, That the General commanding the Third Military District be requested to enforce an Ordinance of this Convention, passed this day, entitled, "An Ordinance to provide the means of defraying the expenses of this Convention, and the compensation of officers and members."

*Resolved*, That copies of said Ordinance and of these Resolutions be transmitted by the President to Major General Meade, to the Provisional Governor and Comptroller General of this State.

Adopted, February 8, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. XXV.

## A RESOLUTION.

*Expelling Aaron A. Bradley.*

*Resolved*, That Aaron A. Bradley, for gross insults offered to this Convention and members thereof, be forthwith expelled from his seat in this body.

Passed, February 12, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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## No. XXVI.

## A RESOLUTION.

*Relative to the Suit in the Supreme Court of the United States by the State of Georgia.*

*Whereas*, Some unauthorized person has undertaken to institute proceedings in the Supreme Court of the United States in the name of the State of Georgia vs. Generals Grant, Meade, and others; therefore,

*Resolved*, by this Convention, representing the people and sovereignty of Georgia, That no person has been empowered by the State of Georgia to commence or prosecute such suit; and that the people of Georgia, as plaintiffs, will not litigate said suit, and demand that it be dismissed from said Court.

*Be it further resolved*, That a copy of this resolution be forwarded by the President to the Military Governor



of this State, with request to have the Seal of the State affixed thereto, and then forwarded to the Secretary of War.

Adopted, 14th February, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXVII.

A RESOLUTION.

*To Prepare and Report a "Homestead."*

*Resolved*, That a Committee of seven be appointed by the President to prepare and report, for the consideration of this Convention, a substitute for the thirty-second section of the Bill of Rights, in relation to the Homestead.

Passed, February 14, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXVIII.

A RESOLUTION.

*Instructing the Disbursing Agent to pay Pro Rata, etc.*

*Resolved*, That the Disbursing Agent of this Convention pay *pro rata*, from time to time, to the members and officers, and to the contingent expenses of the Convention, such sums of money as he may receive from loans or



other sources, for the use of this Convention, upon receiving from such party interested a proper voucher for such payment.

Passed, February 19, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXIX.

PREAMBLE AND RESOLUTIONS.

*In regard to Imprisonment for Debt.*

*Whereas*, This Convention has determined that there shall be no imprisonment for debt in this State; *and, whereas*, creditors are oppressing debtors, by the use of what is known as "Bail Process," and writ of *ca. sa.*; therefore,

*Resolved*, That in the opinion of this Convention said proceedings are contrary to the wishes of the people of this State.

*Resolved*, That the General commanding this District is hereby requested to protect, by order, the people of this State, from the evil above set forth, and that such order remain in force, until such time as the people have expressed their will in regard to the Constitution.

*Resolved*, That a copy of this Preamble and these Resolutions be transmitted to the Commanding General by the President of this Convention.

Adopted, February 19, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. XXX.

## A RESOLUTION.

*Instructing the Disbursing Agent.*

*Resolved*, That the Disbursing Agent be authorized and instructed to pay to the Journalizing Clerk the sum of one hundred and twenty dollars; to each of the other officers and members present, or absent on leave from the Convention, the sum of seventy-five dollars; to the Pages and other employees of the Convention; for printing, and upon account for incidental expenses, such sums as the Auditing Committee shall direct; and shall pay the amount due the late Honorable C. C. Richardson, to the date of his decease.

Passed, February 19, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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## No. XXXI.

## RESOLUTIONS

*From the City of Atlanta Proposing Terms for Removing the Capitol.*

*Whereas*, There is a proposition pending before the State Constitutional Convention of Georgia, now in session, to locate the Capitol of Georgia in this city, from and after the ratification of the Constitution to be adopted by said Convention—



1. *Resolved*, That, in consideration of the location of said Capitol, as proposed by said Convention, the City Council of Atlanta do hereby agree, covenant, and bind the city of Atlanta, free of cost to the State, to furnish, for the space of ten years, if needed, suitable buildings for the General Assembly, for the residence of the Governor, and for all the offices needed by such officers as are generally located in the State House, and also suitable rooms for the State library, and for the Supreme Court.

2. *Resolved*, That we also agree to donate to the State of Georgia the Fair Grounds, containing twenty-five acres, as a location for the Capitol; and, if the location is not desired, to donate in lieu of the Fair Grounds any other unoccupied ten acres of ground in the city that may be selected by the General Assembly, as a more appropriate place for the Capitol and Governor's Mansion.

#### RESOLUTION

##### *Accepting the Proposition of the City of Atlanta.*

*Resolved*, That this Convention, in behalf of the State, hereby accepts the proposition of the City of Atlanta for the removal of the Capitol of the State to said city, and will incorporate in the Constitution of the State a provision securing said removal, and will hold the city to a just and full compliance with said proposition.

The General Assembly shall have power to provide for the temporary removal of seat of government, in case of invasion, pestilence, or other pressing emergency.

Passed, February 27, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



No. XXXII.

A RESOLUTION.

*Of Pay up to, and including, the 11th day of March.*

*Resolved*, That the General commanding be, and he is hereby, respectfully requested to provide for the payment of this Convention up to and including the 11th day of March next.

Passed, February 28, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXXIII.

A RESOLUTION.

*Asking Aid of Congress for the Air-Line Railroad.*

*Whereas*, The Air-Line Railroad, from Atlanta, Georgia, to Charlotte, North Carolina, that is now proposed to be constructed, being a link of the Great Southern Pacific Railroad between the Eastern States and the Pacific coast; therefore,

*Resolved*, That this Convention do most earnestly request the Congress of the United States to make a liberal appropriation for the building of said Road.

*Resolved*, That the President of this Convention be requested to forward copies of the foregoing Preamble and Resolution to the President of the Senate and the



Speaker of the House of Representatives, with the request that they be laid before their bodies.

Adopted, February 29, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXXIV.

A RESOLUTION.

*Directing the Auditing Committee to Audit the Several Accounts of Members, etc.*

*Resolved*, That the Auditing Committee be directed to audit the several accounts of the officers, members, and employees of the Convention, that they may be ready for a final settlement immediately after the adjournment.

Passed, February 29, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXXV.

REPORT

*Of Committee on "Pay of Absent Members."*

We recommend that members who have been absent without leave of the Convention shall receive no pay for the time they have been absent, and that members having a general leave of absence from the Convention shall re-



ceive pay for six days of such absence, and no more, unless detained by reason of sickness of themselves or their immediate families.

We further recommend, that the Auditing Committee be instructed to require each delegate to subscribe to the following certificate before his account is audited:

I, -----, do certify, upon honor, that I have been absent but ---- days without leave of the Convention, and that I have been absent by leave of the Convention but ---- days, unless detained by reason of sickness of myself or my immediate family.

Passed, March 2, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXXVI.

A RESOLUTION.

*Instructing the Auditing Committee to Issue Warrants, Etc.*

*Resolved*, That the Auditing Committee be, and are hereby, instructed to issue warrants in lieu of the scrip, in accordance with second section of "An Ordinance to provide the means of defraying the expenses of this Convention, and the compensation of officers and members," adopted February 8th, 1868; said warrants being duly countersigned by the Disbursing Agent of this Convention, and by the Comptroller General of the State.

Passed, March 3, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. XXXVII.

## PREAMBLE AND RESOLUTIONS.

*Asking a Loan of One Hundred Thousand Dollars from the United States Treasury, to the South-Georgia and Florida Railroad.*

*Whereas*, The people of South-western Georgia are deprived of direct Railroad communication with the Central and Northern parts of the State;

*And, Whereas*, Such communication will tend to unite the people of the State, and to open a convenient and ready access to the ports on the Gulf of Mexico, and in that view is an object of material interest;

*And Whereas*, The completion of the South-Georgia and Florida Railroad would establish such communication, and this work is delayed on account of the pecuniary distress of the country;

*And Whereas*, It would be eminently wise and liberal in the Government of the United States to aid the impoverished people of the South in restoring their material prosperity;

*And Whereas*, This Convention has information that the sum of one hundred thousand dollars, in addition to the resources now at hand, will suffice for the completion of said Railroad, between Albany and Thomasville; therefore,

*Be it resolved*, That the Congress of the United States be respectfully requested to authorize a loan from the Treasury of the United States, of the sum of one hundred thousand dollars, to the South-Georgia and Florida Rail-



road Company, on such terms as will be reasonable to the Company and safe to the Government.

*Resolved*, That a copy of the foregoing Preamble and Resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, with a request that they be laid before their respective bodies.

Adopted, March 6, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XXXVIII.

A RESOLUTION.

*Of Thanks to Major General George G. Meade.*

*Whereas*, The Georgia Constitutional Convention is now about to conclude its deliberations; be it, therefore,

*Resolved*, That the thanks of this body are due, and are hereby tendered, to Major General George G. Meade, Commander Third Military District, for his hearty co-operation in all our labors, and for his uniform courtesy in his official correspondence with this body, as well as his marked kindness manifested in his private intercourse with the various members of this Convention.

*Resolved*, That a copy of this Preamble and Resolution be furnished to the Major General Commanding the Third Military District, signed by the President and Secretary of this Convention.

Passed, March 7, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



## No. XXXIX.

## A RESOLUTION.

*Of Instructions to the Secretary.*

*Resolved*, That the Secretary be instructed to communicate to Major General Meade the action of the Convention, on yesterday, in rescinding the Resolution passed on Friday, requiring the redemption of scrip or warrants by the Tax Collectors in the several counties in this State.

Passed, March 10, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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## No. XL.

## RESOLUTIONS

*Of Disbursing Funds, Etc.*

*Whereas*, It is ascertained that there will be on hand, to-morrow morning, fifteen thousand dollars for the use of the Convention; Be it, therefore,

*Resolved*, That the Disbursing Agent pay to the President, Secretary and Journalizing Clerk one hundred dollars each, and to each of the members of this Convention seventy-five dollars, and the balance of said fund to be paid *pro rata* to the other officers of this Convention.

*Resolved, further*, That the balance of all the expenses of this Convention, to-wit: the pay of members and offi-



cers, together with all contingent expenses, be settled up in scrip or warrants by the Disbursing Agent and Auditing Committee.

Passed, March 10, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLI.

A RESOLUTION.

*To Print Fifteen Hundred Copies of the Journals.*

*Resolved*, That the Printing Committee be authorized to have published fifteen hundred copies of the Journals of this Convention, in pamphlet form, for distribution.

Passed, March 10, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLII.

REPORT

*Of the Committee on "Finance."*

The Committee on Finance have had under consideration the subject of extra compensation for the Secretary, Assistant Secretary, and Journalizing Clerk, and, also, the compensation of the Hon. N. L. Angier, for services



as Disbursing Agent of the Convention, and recommend the adoption of the following Resolution:

*Resolved*, That the Secretary, Assistant Secretary, and Journalizing Clerk of this Convention, be allowed four hundred dollars (in scrip or warrants) each, as extra compensation for extra services; and that the Hon. N. L. Angier be allowed the sum of three hundred dollars, as compensation for his services as Disbursing Agent of the Convention; and that the Chairman of the Auditing Committee be instructed to audit said accounts.

Passed, March 10, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLIII.

REPORT AND RESOLUTIONS

*Of the Hon. George W. Ashburn on Removing Disabilities*

*Whereas*, The strength of a Republican Government is best promoted and its principles maintained, by the broadest platform of enfranchisement; and

*Whereas*, Portions of Georgia's citizens are under political disabilities, which debar them from exercising the highest privilege of American citizenship—that of the elective franchise; be it, therefore,

*Resolved*, That this Convention do request the Congress of the United States to enact or pass such laws as will remove the political disabilities from all the citizens of Georgia; and be it further



*Resolved*, That a copy of this Preamble and Resolution be forwarded to the President of the Senate and Speaker of the House of Representatives.

Passed, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLIV.

A RESOLUTION.

*Requesting General Meade to Enforce Certain Provisions of the Constitution, which Provide for the "Relief" of the People.*

*Resolved*, That the Commanding General of the Third Military District be requested, by General Order, to require the Courts and Officers of the Provisional Government of the State of Georgia, until the State is fully restored to its regular relations to the United States, and the State organization is in full operation, to enforce and carry out the provisions of this Constitution for the relief of the people, to-wit:

Section eighteen of the Declaration of Fundamental Principles, abolishing imprisonment for debt.

Section seventeen of Article five, in relation to the jurisdiction of the Courts.

Article seven, in relation to homesteads and exemptions.

And the Secretary of this Convention is instructed to



furnish to the Commanding General a certified copy of the above portion of the Constitution and this Resolution.

Passed, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLV.

A RESOLUTION.

*Of per diem to the late Hon. C. C. Richardson.*

*Resolved*, That the late Hon. C. C. Richardson be allowed his *per diem* for the whole session of this Convention.

Passed, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLVI.

A RESOLUTION.

*Appointing a Committee to Recommend to the Consideration of Congress Certain Measures of This Convention.*

*Resolved*, That the Honorables Foster Blodgett and J. R. Parrott be, and they are hereby, constituted a Committee to visit Washington, and present the list of names recommended for relief from disabilities, as well as to



commend to the favorable consideration of Congress our measures of relief, and that the sum of \$300 each be appropriated to defray their expenses.

Passed, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLVII.

RESOLUTION

*Of Thanks to the President of the Convention.*

*Resolved*, That the thanks of this Convention are hereby tendered to the President, for the able and impartial manner in which he has discharged the arduous and difficult duties of his office.

Adopted, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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No. XLVIII.

RESOLUTION

*Of Thanks to the Secretary and his Assistant.*

*Resolved*, That the uniform thanks of this body are hereby tendered to Hon. P. M. Sheibley, Secretary, and A. E. Marshall, Assistant Secretary, of this Convention, for efficient services and their uniform courtesy, not only



to the Convention, as such, but to the individual members composing it.

Adopted, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.

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NO. XLIX.

RESOLUTION

*Of Thanks to the Journalizing Clerk.*

*Resolved*, That the thanks of this Convention are due, and are hereby tendered, Jackson T. Taylor, the able Journalizing Clerk of this Convention, for the very efficient manner in which he has discharged the laborious duties of his station.

Adopted, March 11, 1868.

J. R. PARROTT, *President*.

Attest: P. M. SHEIBLEY, *Secretary*.



GENERAL ORDERS, 1867-1868.

[Telegram received War Department, Dec. 21, 1867.]

ATLANTA, GEORGIA, December 21, 1867.

General U. S. GRANT:

Conventions in Alabama and Georgia have passed ordinances\* of relief to debtors which the civil officers will not obey or recognize. What is considered to be my duty in this case?

JOHN POPE,

*Brevet Major General.*

HEADQUARTERS ARMIES OF THE UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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HEADQUARTERS ARMY OF THE UNITED STATES,

WASHINGTON, D. C., December 22, 1867.

Sir: I enclose herewith papers sent to General Grant by the President in reference to frauds alleged to have been committed in the late election for delegates to a convention for forming a constitution for the State of Georgia. General Grant desires that you will report to him

\*Page 932.



fully the facts in the cases referred to, and return these papers with the report.

Very respectfully, your obedient servant,

C. B. COMSTOCK,

*Brevet Brigadier General, Aide-de-Camp.*

Brevet Major General JOHN POPE,

*Commanding Third Military District, Atlanta, Ga.*

Official copy :

GEO. K. LEET,

*Assistant Adjutant General.*

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[Telegram.]

WASHINGTON, December 23, 1867.

Brevet Major General JOHN POPE, Atlanta, Ga.:

The constitutions adopted by the conventions now in session are not the law of the States until submitted to the people and ratified by them. I do not see, therefore, how you can enforce laws enacted by them until so ratified.

U. S. GRANT, *General.*

HEADQUARTERS ARMY OF THE UNITED STATES.

Official copy :

GEO. K. LEET,

*Assistant Adjutant General.*



ATLANTA, GEORGIA, December 27, 1867.

General John Pope, commanding third district, relative to refusal of State Treasurer, John Jones, of Georgia, to pay members of convention in Georgia.

[Indorsement.]

HEADQUARTERS OF THE ARMY UNITED STATES,

January 6, 1868.

Respectfully returned. The convention is authorized by act of Congress passed March 23, 1867, supplementary to an act entitled "An act to provide for the more efficient government of the rebel States," of March 2, 1867, to levy upon and collect a sufficient amount of taxes on the property of the State as was necessary to pay the expenses of the same. The ordinance passed by the convention for the purpose and the order of the military commander to the State treasurer indorsed thereon, is in conformity to the letter and spirit of said acts and the acts supplemental thereto, of July 19, 1867. The government under the constitution of the State of Georgia adopted in 1865, which said treasurer sets up as a bar to his compliance with said ordinance, is by the said acts of Congress specifically declared, with the governments of other States lately in rebellion, therein named, to be "not legal State governments; and that thereafter, said governments, if continued, were to be continued, subject in all respects to the military commanders of the respective districts and the paramount authority of Congress."

Section 11 of said supplementary act of July 19 provides: "That all the provisions of this act and of the acts to which this is supplementary, shall be construed



liberally, to the end that all the interests thereof may be fully and perfectly carried out.”

It is clear, from the correspondence between General Pope and the treasurer, that the proper administration of the military reconstruction acts requires the removal of said treasurer and the appointment of some person in his stead, under section 2 of said supplementary act of July 19, who will respect the authority of Congress, the orders of military commanders, and the ordinance of the convention under the same.

Should the comptroller general of the State, as General Pope seems to fear he may, decline to execute the ordinance of the convention, then he, too, should be removed.

U. S. GRANT, *General*.

HEADQUARTERS UNITED STATES ARMY,

February 12, 1868.

Official copy :

GEO. K. LEET,

*Assistant Adjutant General*.

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[General Orders No. 104.]

HEADQUARTERS OF THE ARMY,

Adjutant General's Office,

WASHINGTON, December 28, 1867.

By direction of the President of the United States, the following orders are made :



I. Brevet Major General *E. O. C. Ord* will turn over the command of the Fourth Military District to Brevet Major General *A. C. Gillem*, and proceed to San Francisco, California, to take command of the Department of California.

II. On being relieved by Brevet Major General *Ord*, Brevet Major General *Irwin McDowell* will proceed to Vicksburg, Mississippi, and relieve General *Gillem* in command of the Fourth Military District.

III. Brevet Major General *John Pope* is hereby relieved of the command of the Third Military District, and will report, without delay, at the Headquarters of the Army for further orders, turning over his command to the next senior officer until the arrival of his successor.

IV. Major General *George G. Meade* is assigned to the command of the Third Military District, and will assume it without delay. The Department of the East will be commanded by the senior officer now on duty in it until a commander is named by the President.

V. The officers assigned in the foregoing orders to command of Military Districts will exercise therein any and all powers conferred by Acts of Congress upon District Commanders, and also any and all powers pertaining to Military Department Commanders.

VI. Brevet Major General *Wager Swayne*, Colonel 45th U. S. Infantry, is hereby relieved from duty in the Bureau of Refugees, Freedmen, and Abandoned Lands,



and will proceed to Nashville, Tennessee, and assume command of his Regiment.

By command of General Grant:

E. D. TOWNSEND,

*Assistant Adjutant General.*

Official:

*Assistant Adjutant General.*

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[Telegram.]

[Received 4:30 p. m., in cipher, from Atlanta, Georgia,  
January 9, 1868.]

General U. S. GRANT:

The passage of ordinances by the convention of Alabama and Georgia enacting stay laws are producing great suffering in these States, by causing expedition to be made in making levies, in anticipation of these ordinances having the force of law. Advantage is being taken of the interval of time before these ordinances are laws to hurry levies and executions, thus causing these ordinances intended as measures of relief, to become in reality the means of increasing and greatly aggravating the burden of the people. I am therefore inclined to adopt these ordinances as the act of the military authority, and declare them to have force until the question is settled as to the adoption or rejection of the constitution enacting them. I refer to you because your telegram of December 23 is adverse to enforcing any of the ordinances of the convention prior to the adoption of the



Constitution, and to obtain your approval of my proposed action.

Please answer immediately.

G. G. MEADE,  
*Major General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,  
*Assistant Adjutant General.*

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[Telegram.]

WASHINGTON, January 10, 1868.

Major General G. G. Meade, Atlanta, Georgia:

As district commander I think you will be perfectly justifiable in adopting as your own order the stay laws proposed in the constitutions to be submitted to the people of Alabama and Georgia. This course is different from adopting as law the provisions of the constitutions in advance of their ratification.

U. S. GRANT, *General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,  
*Assistant Adjutant General.*

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[Telegram.]

[Received War Department 7 a. m. January 10, 1868,  
from Atlanta, Ga., January 9, 1868.]

General U. S. GRANT:

I have had a conference with Governor Jenkins, and



exerted all my influence to induce him to consider the appropriation by the convention as an appropriation made by law and not inconsistent with the provisions of the Georgia constitution, and urged him to sign the warrant required by the treasury. The Governor declined, and there is no other alternative but the exercise of my power to obtain control of the State Treasury. To avoid making any more changes than are required to effect the object, and also the difficulty of finding a suitable person, and the question of bonds, I propose to remove only the treasurer, and to assign to the duty Brevet Brigadier General Ruger, with instructions to continue payments as heretofore, in accordance with the existing laws of the State, and to make such payments to the convention as I shall authorize, checking thus unnecessary expenditures. I see no other mode of supplying the wants of the convention, and the continuance in session is dependent upon its wants being immediately supplied. It is probable other steps may have to be taken before the money can be secured, as it is intimated that an issue will be made with the view of testing the invalidity of my power.

Your approval or disapproval is asked at once.

GEO. G. MEADE,

*Major General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*



[Telegram.]

WASHINGTON, January 10, 1868.

Major General G. C. MEADE, Atlanta, Ga.:

Plan proposed in your dispatch of last evening to remove State treasurer of Georgia is approved.

U. S. GRANT, General.

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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[General Orders No. 7.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida, and Alabama),

ATLANTA, GA., January 11, 1868.

With a view to prevent interference, under the color of State authority, with the exercise of military authority in the States composing this district, the following order of the War Department, and that from these headquarters providing for its enforcement, are republished for the information and guidance of all concerned.

Any civil officer of the existing State governments disregarding or violating the provisions of these orders will, on proper representation of the facts of the case to these headquarters, be removed from his position:



[General Orders No. 3.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,

WASHINGTON, January 12, 1868.

Military division and department commanders, whose commands embrace or are composed of any of the late rebellious States, and who have not already done so, will at once issue and enforce orders protecting from prosecution or suits in the State or municipal courts of such State all officers and soldiers of the armies of the United States, and all persons thereto attached, or in any wise thereto belonging, subject to military authority, charged with offences for acts done in their military capacity, or pursuant to orders from proper military authority; and to protect from suit or prosecution all loyal citizens or persons charged with offences done against the rebel forces, directly or indirectly, during the existence of the rebellion, and all persons, their agents or employes charged with the occupancy of abandoned lands or plantations, or the possession or custody of any kind of property whatever, who occupied, used, possessed, or controlled the same, pursuant to the order of the President, or any civil or military departments of the government, and to protect them from any penalties or damages that may have been or may be pronounced or adjudged in said courts in any of such cases; and also protecting colored persons from prosecutions in any of said States charged with offences for which white persons are not prosecuted or punished in the same manner and degree.

By command of Lieutenant General Grant.

E. D. TOWNSEND,

*Assistant Adjutant General.*

[General Orders No. 45.]

See page 111.



[General Orders No. 8.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida and Alabama),

ATLANTA, GA., January 13, 1868.

I. Charles J. Jenkins, provisional governor, and John Jones, provisional treasurer, of the State of Georgia, having declined to respect the instructions of and failed to co-operate with the major general commanding the third military district, are hereby removed from office.

II. By virtue of the authority granted by the supplementary reconstruction act of Congress, passed July 19, 1867, the following named officers are detailed for duty in the district of Georgia:

Brevet Brigadier General Thomas H. Ruger, colonel 33d infantry, to be governor of the State of Georgia.

Brevet Captain Charles F. Rockwell, ordnance corps, United States army, to be treasurer of the State of Georgia.

III. The above-named officers will proceed without delay to Milledgeville, Georgia, and enter upon the discharge of the duties devolving upon them, subject to instructions from these headquarters.

By order of Major General Meade.

R. C. DRUM, *Assistant Adjutant General*.



## [General Orders No. 10.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida and Alabama),

ATLANTA, GA., January 15, 1868.

The frequency of reported outrages, and the accompanying expression of opinion of subordinate officers that no justice is to be expected from the civil authorities, require notice and action on the part of the major general commanding.

I. The commanding general desires it to be understood that the trial and punishment of criminals is to be left to the civil authorities, so long as the said authorities are energetic, active, and do justice to the rights of person and property without distinction of race or color. Whenever the major general commanding is satisfied from evidence produced that the civil authorities fail to do their duty, then prompt action will be taken by him both for the punishment of the criminals and the removal from office of derelict civil officers.

II. The military are to co-operate with and aid the civil authorities in the detection, capture, and custody of criminals; and they are further authorized, in cases where they have reason to believe the civil authorities are not disposed to do their duty, to retain criminals in custody until the fact becomes evident whether the civil authorities will or will not perform their duty, immediately reporting their action on all such cases to these headquarters.

III. Writs of *habeas corpus* issued against criminals in the custody of the military will be obeyed so far



as to produce the body of the prisoner in court, and the making of a respectful return setting forth the grounds and authority by which the prisoner is held. Should the court fail to respect the authority under which the prisoner is held, the custody of the criminal will not be transferred to the court without a reference to these headquarters.

IV. The Major General desires to impress on the officers under his command the exercise of a sound discretion and good judgment. It is his determination to afford the civil authorities every opportunity to discharge their duties untrammelled by any action on the part of the military but such as they, the civil authorities, may invite and desire. He makes this public notice to the civil authorities that they may be governed thereby, assuring them that they shall be respected in the exercise of their powers so long as impartial justice is meted out to all; but the commanding general is determined to exercise to the fullest extent the plenary powers with which he is intrusted to secure protection of persons and property in the district he commands.

By order of Major General Meade.

R. C. DRUM, *Assistant Adjutant General*.

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[General Orders No. 11.]

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Department of Georgia, Florida and Alabama),

ATLANTA, GA., January 16, 1868.

I. Whereas the constitutional\* convention of the

\*Pages 197; 815.



State of Georgia, now in session in this city, adopted on the 12th day of December, 1867, the following preamble and ordinance:

“Whereas the question of affording some relief to the people of Georgia from the burden of indebtedness which is now oppressing them, is likely to be acted upon by this convention at some future day; and whereas large amounts of property are now levied on and about to be sacrificed at sheriff’s sales; and whereas the debtors in such cases should be entitled to the benefits which may be conferred on other debtors by the future action of this convention: Therefore,

*“Be it Ordained by the people of Georgia in Convention assembled, and it is hereby ordained by authority of the same, That from and after the passage of this ordinance, all levies which have been or may be made under execution issued from any court in this State, shall be suspended until this convention shall have taken or refused to take final action upon the matter of relief, and that all sales under execution in violation of this ordinance shall be null and void, and of no effect.”*

II. Therefore, by virtue of the plenary powers vested by the reconstruction acts of Congress in the commanding general of the third military district, and for the temporary relief of the people of Georgia, it is

*Ordered*, That said ordinance shall, from this date, be deemed to have taken effect in said State, and shall continue in full force and validity until said convention shall have taken, or refuse to take, final action upon the matter of relief, or until further orders from these headquarters: *Provided*, That this order shall not apply to executions issued or to be issued on judgments in favor



of laborers or mechanics for services rendered since July 21, 1865, nor to executions for the collection of taxes.

By order of Major General Meade.

R. C. DRUM, *Assistant Adjutant General*.

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[General Orders No. 12.]

HEADQUARTERS THIRD MILITARY DISTRICT,

ATLANTA, GA., January 17, 1868.

(Department of Georgia, Florida and Alabama),

I. John T. Burns, comptroller of the State of Georgia, having declined to respect the instructions of, and failed to co-operate with, the major-general commanding the third military district, is hereby removed from office.

II. Captain Charles Wheaton, 33d infantry, United States army, is hereby detailed for duty in the district of Georgia, as comptroller of the State of Georgia. He will repair without delay to Milledgeville, Georgia, and enter upon the discharge of the duties devolving upon him, subject to instructions from these headquarters.

By order of Major General Meade.

R. C. DRUM, *Assistant Adjutant General*.



[Telegram.]

[Received 5 p. m., in cipher, from Atlanta, Georgia, January 18, 1868.]

General U. S. GRANT:

The State treasurer and comptroller general of this State have not only removed beyond my jurisdiction all the funds in their charge, but all the books and records of their offices, hoping by these means to force a resort to civil process. As these acts are not only in violation of the statutes of Georgia, but clear cases of the power and authority of the United States, I have ordered the arrest, and, if necessary, confinement of these derelict officers, and their trial by military commission for malfeasance in office and contempt of my authority.

GEO. G. MEADE,

*Major General.*

HEADQUARTERS ARMY UNITED STATES.

Official copy:

GEO. K. LEET,

*Assistant Adjutant General.*

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[Circular.]

HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida and Alabama),

ATLANTA, GA., January 20, 1868.

General Orders\* Nos. 6, 11, and 18, current series,

\*Page 932.



from these headquarters, were issued to give legal effect, temporarily, as therein specified, to the ordinances, of which copies were inserted in said order. Many inquiries have been made by letter and otherwise to the commanding general as to the proper construction to be put upon said ordinances, which he has neither the leisure, nor is it his province, to answer. These ordinances, as enforced by his orders, are to be deemed a part of the laws of the State in which they were respectfully adopted, and construed and enforced by the courts accordingly.

By order of Major General Meade:

R. C. DRUM, *Assistant Adjutant General*.

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[General Orders No. 17.]

HEADQUARTERS THIRD MILITARY DISTRICT,  
(Department of Georgia, Florida and Alabama),

ATLANTA, GA., January 28, 1868.

I. N. C. Barnett, provisional secretary of the State of Georgia, having refused to acknowledge the authority of the major general commanding, is hereby removed from office.

II. Captain Charles Wheaton, 33d infantry, United States army, will, in addition to his duties as comptroller general, discharge those of secretary of state of the State of Georgia.

By order of Major General Meade.

R. C. DRUM, *Assistant Adjutant General*.



## [General Orders No. 21.]

HEADQUARTERS THIRD MILITARY DISTRICT.

(Department of Georgia, Florida, and Alabama.)

ATLANTA, GA., February 1, 1868.

General Orders\* Nos. 6 and 11, from these headquarters, bearing date, respectively, January 10 and 16, 1868, will be so construed as not to prevent or interfere with the collection of the fees of officers or the collection of taxes in the States of Alabama and Georgia, according to the manner prescribed by the laws of said States for said collection.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

## [General Orders No. 22.]

HEADQUARTERS THIRD MILITARY DISTRICT.

(Department of Georgia, Florida, and Alabama.)

ATLANTA, GA., February 2, 1868.

Numerous applications having been made to the major general commanding, relative to the provisions and the execution of General Orders No. 49, series of 1867, from these headquarters, and being satisfied from reports and representations that, in some instances, the operations of the order have proved embarrassing and of an

\*Page 874.



effect not designed when it was issued—the intention having been to prevent by prompt and energetic action the use of official patronage to obstruct, hinder and delay reconstruction under the acts of Congress—he therefore directs that the aforesaid order be modified to read as follows:

I. The giving of all advertisements and other official publications heretofore or hereafter to be provided for by State or municipal laws or ordinances, by the civil officers whose duty it is to cause such publications to be made, is prohibited, to such newspapers and such only as attempt to obstruct in any manner the civil officers appointed by the military officers in this district in the discharge of their duties by threats of violence, of prosecution or other penalty, as soon as the military protection is withdrawn, for acts performed in their official capacity.

II. If in any of the counties in either of the States in this district there be but one newspaper published, civil officers, whose duty it is to advertise in accordance with law, are authorized to advertise in said paper regardless of the provisions of paragraph I of this order.

III. All officers in this military district, whether military or civil, and all boards of registration, or other persons in the employment of the United States under military jurisdiction, are directed to give prompt attention to the enforcement of this order. Opposition to reconstruction, when conducted in a legitimate manner, is not to be considered an offense, but will be so considered when accompanied by violent and incendiary articles threatening the preservation of the peace, or by attempts to obstruct civil officers, as indicated in paragraph I of this order. Should any civil officer violate the provisions



of this order, the case will be promptly reported to these headquarters.

IV. This order is not to be construed as affecting advertisements being published at the date of the order, or prior to its receipt, by the civil officer who is affected thereby.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

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HEADQUARTERS THIRD MILITARY DISTRICT.

(Department of Georgia, Florida, and Alabama.)

ATLANTA, GA., February 14, 1868.

GENERAL ORDERS No. 24.

1. WHEREAS, The Constitutional\* Convention of Georgia, now in session at Atlanta, on the 8th day of February, 1868, enacted the following Ordinance:

AN ORDINANCE to procure the means of defraying the expenses of this Convention, and the compensation of Officers and Members.

SECTION 1. *Be it ordained by the People of Georgia, in Convention assembled*, That an Ordinance of this Convention, passed on the twentieth (20) day of December, in the year 1867, entitled, "An Ordinance to levy and collect a tax to pay the Delegates and Officers connected with the Convention, as well as all other incidental ex-

\*Pages 483; 817.



penses," except the second Section thereof, is hereby rescinded and the following is ordained in lieu thereof, to-wit:

That it shall be the duty of the Comptroller General of the State of Georgia to levy and assess a tax of one-tenth of one per cent. on all the taxable property of this State as returned upon the digests for the year 1867, for the purpose of defraying the expenses of this Convention and the compensation of Officers and Members thereof. And it shall be the duty of the Tax Collectors in the several counties of this State to collect the tax so assessed, and to pay the same to the Comptroller General on or before the first day of May, 1868. And it shall be the duty of the several Tax Collectors to issue executions against all persons subject to taxation under this Ordinance, whose tax is unpaid after twenty days' notice to pay it, for the amount of tax due by them, and fifty per centum thereon and all costs; and of Sheriffs and Constables to levy and sell under such executions, and to return the proceeds to the Tax Collectors, as soon as the same can be done under the provisions of existing laws.

Sec. 2. *Be it further ordained*, That any scrip, which may be issued by authority of this Convention for the purpose aforesaid, shall be receivable by the Comptroller General from the Tax Collectors in payment of the tax aforesaid.

Sec. 3. *Be it further ordained*, That the Tax Collectors shall receive the same per cent. for collecting the tax aforesaid as they are now allowed by law for collecting the State tax.

Sec. 4. *Be it further ordained*, That the Comptroller General shall issue to the Tax Collectors all necessary



orders for the collection and payment of the tax aforesaid; which orders shall be binding upon said Tax Collectors.

Sec. 5. *Be it further ordained*, That the moneys and scrip received by the Comptroller General under this Ordinance, be paid by him into the Treasury of this State, to be disposed of as this Convention shall hereafter direct.

II. Therefore, by virtue of the plenary powers vested by the Acts of Congress in the Commanding General of the Third Military District, *It is ordered*, That all of said Ordinances, except what is contained in Sections 2 and 5, is approved and directed to be carried into execution and it is hereby enjoined on the Provisional Governor, Comptroller General, and Secretary of State, Tax Collectors, Sheriffs, and all others, to give due and prompt respect to the requirements of this order, and to the collection of the special tax provided for in the aforesaid Ordinance.

III. In lieu of Sections 2 and 5 of the aforesaid Ordinance, the Provisional Governor of said State is herewith authorized to issue in advance of the collection of the special tax, scrip in such sums as may be deemed most convenient, and not to exceed in amount Fifty Thousand Dollars.

IV. The scrip herein authorized to be issued, shall be made receivable in payment of the special tax; shall be paid out of the Treasury only for the pay and expenses of the Convention, and so much as shall not be



received in payment of the special tax, shall be redeemed out of the proceeds of said special tax when collected.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

Official.

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HEADQUARTERS THIRD MILITARY DISTRICT.

(Department of Georgia, Florida, and Alabama.)

ATLANTA, GA., February 22d, 1868.

GENERAL ORDERS No. 27.

I. The Constitutional\* Convention of the State of Georgia, now in session in the city of Atlanta, adopted on the 19th day of February, 1868, the following Preamble and Resolutions:

WHEREAS, The Convention has determined that there shall be no imprisonment for debt in the State, AND WHEREAS, creditors are oppressing debtors by the use of what is known as "Bail Process" and writ of *ca. sa.*, Therefore,

*Resolved*, That in the opinion of this Convention, said proceedings are contrary to the wish of the people of this State.

*Resolved*, That the General Commanding this District, is hereby requested to protect, by order, the people

\*Page 697.



of this State from the evil above set forth, and that such order remain in force until such time as the people have expressed their will in regard to their Constitution.

II. Therefore, by virtue of the plenary powers vested by the Reconstruction Acts of Congress in the Commanding General of the Third Military District, and for the purpose of giving effect to the wishes of the people of Georgia, as expressed by the delegates in Convention.

*It is ordered,* That imprisonment for debt is prohibited in the State of Georgia, and hereafter no bail process in civil cases or writ of *ca. sa.* shall be issued out of any of the Courts of this State.

III. Every person now in prison in this State under any such process or writ, will be immediately discharged from prison.

IV. This order to remain in force until the people of Georgia shall express their will in the manner provided by the Acts of Congress in regard to the Constitution to be submitted to them by the said Constitutional Convention, or until further orders from these Headquarters.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

Official.



HEADQUARTERS THIRD MILITARY DISTRICT.

(Department of Georgia, Florida, and Alabama.)

ATLANTA, GA., March 9, 1868.

GENERAL ORDERS No. 35.

To insure the collection of the special tax provided for in an Ordinance\* of the Constitutional Convention of the State of Georgia, passed on the 8th day of February, 1868, within the time specified; it is hereby required and directed that all owners of property, or their agents, shall, between the 20th of April and the 1st of May, 1868, pay to the Tax Collector, at such points in the county in which the property is located as the collector may designate, the tax due on the property owned or represented by them. All property on which the aforesaid tax remains unpaid at the latter date (May 1st, 1868), will be levied on by the Tax Collectors, in accordance with the provisions of the Ordinance.

Collectors of taxes will, without delay, designate the points in their respective counties at which they will meet the tax payers, specifying the date at which they will be at each place.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

Official.

\*Page 544.



## HEADQUARTERS THIRD MILITARY DISTRICT.

(Department of Georgia, Florida, and Alabama.)

ATLANTA, GA., March 12, 1868.

## GENERAL ORDERS No. 37.

WHEREAS, A duly certified copy of the following Resolution and sections of the Constitution of the State of Georgia, as adopted by the Constitutional\* Convention of said State, at Atlanta, March 11th, 1868, has this day been delivered to the Commanding General:

I. A RESOLUTION requesting General Meade to enforce certain provisions of the Constitution, which provide for the relief of the people.

*Resolved*, That the Commanding General of the Third Military District be requested, by general order, to require the Courts and officers of the Provisional Government of the State of Georgia, until the State is fully restored to its regular relations to the United States, and the State organization is in full operation, to enforce and carry out the provisions of this Constitution for the relief of the people, to-wit:

## ARTICLE 1st—DECLARATION OF FUNDAMENTAL PRINCIPLES.

## SECTION XVIII.

There shall be no imprisonment for debt.

\*Page 871.



ARTICLE 5th—JUDICIARY.

SECTION XVII.

I. No Court in this State shall have jurisdiction to try or determine any suit against any resident of this State upon any contract or agreement made or implied, or upon any contract made in renewal of any debt existing prior to the first day of June, 1865. Nor shall any Court or ministerial officer of this State have authority to enforce any judgment, execution, or decree, rendered, or issued upon any contract or agreement made or implied, or upon any contract in renewal of a debt existing prior to the first day of June, 1865, except in the following cases:

1. In suits against trustees, where the trust property is in the hands of the trustee, or has been invested by him in other specific effects now in his hands, and in suits by the vendor of real estate against the vendee, where not more than one-third of the purchase money has been paid, and the vendee is in possession of the said lands or specific effects for which he has sold it, and he refuses to deliver the land or said effects to the vendor. In such cases the Courts and officers may entertain jurisdiction and enforce judgment against said trust property, or land. or effects.

2. In suits for the benefit of minors by trustees appointed before the first day of June, 1865.

3. In suits against corporations in their corporate capacity, but not so as to enforce the debt against the stockholders or officers thereof in their individual capacity.



4. In suits by charitable or literary institutions for money loaned, property (other than slaves) sold, or services rendered by such institutions.

5. In suits on debts due for mechanical or manual labor, when the suit is by the mechanic or laborer.

6. In cases when the debt is set up by way of defence, and the debt set up exceeds any debt due by defendant to plaintiff, of which the Courts are denied jurisdiction.

7. In all other cases in which the General Assembly shall, by law, give the said Courts and officers jurisdiction: *Provided*, That no Court or officer shall have, nor shall the General Assembly give, jurisdiction or authority, to try or give judgment on, or enforce any debt, the consideration of which was a slave or slaves, or the hire thereof.

II. All contracts made, and not executed during the late rebellion, with the intention and for the purpose of aiding and encouraging said rebellion, or where it was the purpose and intention of any one of the parties to such contract to aid or encourage such rebellion, and that fact was known to the other party, whether said contract was made by any person or corporation with the State or Confederate States, or by a corporation with a natural person, or between two or more natural persons, are hereby declared to have been, and to be illegal; and all bonds, deeds, promissory notes, bills, or other evidences of debt, made or executed by the parties to such contract, or either of them, in connection with such illegal contract, or as the consideration therefor, or in furtherance thereof, are hereby declared null and void, and shall be so held in all Courts in this State when attempts



shall be made to enforce any such contract, or give validity to any such obligation or evidence of debt. And in all cases where the defendant or any one interested in the event of the suit, will make a plea, supported by his or her affidavit, that he or she has reason to believe that the obligation or evidence of indebtedness upon which the suit is predicated, or some part thereof, has been given or used for the illegal purpose aforesaid, the burden of proof shall be upon the plaintiff to satisfy the Court and the Jury that the bond, deed, note, bill, or other evidence of indebtedness upon which said suit is brought is, ~~or~~ are not, nor is any part thereof, founded upon, or in any way connected with any such illegal contract, and has not been used in aid of the rebellion, and the date of such bond, deed, note, bill, or other evidence of indebtedness, shall not be evidence that it has, or has not, since its date, been issued, transferred or used in aid of the rebellion.

## ARTICLE 7th—HOMESTEAD AND EXEMPTION.

### SECTION I.

I. Each head of a family, or guardian, or trustee of a family of minor children, shall be entitled to a homestead of realty to the value of two thousand dollars in specie, and personal property to the value of one thousand dollars in specie, both to be valued at the time they are set apart. And no Court or ministerial officer in this State shall ever have jurisdiction or authority to enforce any judgment, decree, or execution against said property so set apart (including such improvements as may be made thereon, from time to time) except for taxes, money borrowed and expended in the improvement of the homestead, or for the purchase money of the same, and for



labor done thereon, or material furnished therefor, or removal of encumbrances thereon. And it shall be the duty of the General Assembly, as early as practicable, to provide, by law, for the setting apart and valuation of said property, and to enact laws for the full and complete protection and security of the same to the sole use and benefit of said families as aforesaid.

II. All property of the wife in her possession at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

II. *Therefore*, by virtue of the plenary powers vested by the reconstruction Acts of Congress in the Commanding General of the Third Military District, and for the purpose of giving temporary effect to the wishes of the people of Georgia, as expressed by their delegates in Convention,

*It is ordered*, That the foregoing sections of said Constitution, shall, from this date, be deemed to have taken effect, and to be in full force in the State of Georgia, and shall continue in full force and validity until further orders from these Headquarters.

III. The Courts and officers of the Provisional Government of said State, and all the municipal and other officers in the same, are hereby required to enforce and carry out the above provisions for the relief of the people of the State of Georgia.

IV. General Orders No. 11, issued from these Headquarters, January 16th, 1868, are hereby rescinded, as are also General Orders No. 21, issued February 1st,



1868, so far as the same relates to said General Orders No. 11.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

Official.

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HEADQUARTERS THIRD MILITARY DISTRICT,

(Department of Georgia, Florida and Alabama),

ATLANTA, GA., March 13, 1868.

GENERAL ORDERS No. 38.

I. WHEREAS, The Constitutional\* Convention of the State of Georgia, on the 3d day of March, 1868, adopted the following Resolution:

A RESOLUTION providing for the issuing warrants in lieu of scrip.

*Resolved*, That the Auditing Committee be, and are hereby instructed to issue warrants in lieu of the scrip, in accordance with section 2d of an Ordinance to provide the means of defraying the expenses of this Convention, and the compensation of officers and members, adopted February 8th, 1868; said warrants being duly countersigned by the Disbursing Agent of this Convention, and by the Comptroller General of the State.

II. *Therefore, it is ordered*, That paragraphs 2 and 3 of General Orders No. 24, current series, authorizing

\*Page 969.



the issue of scrip, and making the same receivable in payment of the special tax, is hereby rescinded and revoked.

III. In conformity with the wishes of the Convention, the Provisional Comptroller General of the State is authorized and directed to countersign the warrants issued in accordance with the above Resolution, and the Provisional Governor and Treasurer are ordered to pay the same out of the proceeds of the special tax levied by the Convention, after the Treasury has been reimbursed of the advances made to the Convention, or of such portion of such advances as may, in the judgment of the Provisional Governor, be necessary to meet the immediate wants of the State; and said warrants are not to be received by Tax Collectors, nor will they be received at the Treasury in lieu of money collected for taxes.

By order of Major General Meade.

R. C. DRUM,

*Assistant Adjutant General.*

Official.

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HEADQUARTERS THIRD MILITARY DISTRICT,  
(Department of Georgia, Florida and Alabama),

ATLANTA, GA., March 14, 1868.

GENERAL ORDERS No. 39.

I. WHEREAS, The Constitutional Convention of the State of Georgia, which assembled in Atlanta, in compliance with General Orders No. 89, issued from these Head-



quarters, November 19, 1867, did, in pursuance of the Acts of Congress specified in said General Orders, proceed to frame a Constitution and civil government for the State of Georgia, and provide for the publication of said Constitution; and did further, by an Ordinance of said Convention, adopted March 11th, 1868, submit for ratification to the persons in said State registered and to be registered as voters under the Acts of Congress aforesaid, at an election to begin on the 20th day of April, 1868, and to be kept open, from day to day, at the discretion of the General Commanding, at such places as may be designated by him.

II. AND WHEREAS, By an Act of Congress which became a law March 12th, 1868, it is provided that, hereafter, any election, authorized by the Acts of Congress aforesaid, shall be decided by a majority of the votes actually cast; and at the election, in which the question of the adoption or rejection of any Constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence of registration, under such regulations as the District Commander may prescribe.

III. AND WHEREAS, said Acts of Congress provide that the election for ratification of said Constitution shall be conducted by the officers or persons appointed or to be appointed by the Commanding General, and at the date fixed by said Convention:

IV. *It is ordered*, That an election be held in the State of Georgia, commencing on Monday, the 20th day of April, 1868, and continuing four days, at which the



registered voters of said State may vote for or against the Constitution submitted to them by the Ordinance aforesaid. Those voting in favor of the Constitution shall have written or printed on their ballots the words, "For the Constitution." and those voting against the Constitution shall have written or printed on their ballots the words, "Against the Constitution."

V. It shall be the duty of the Boards of Registration in Georgia, in accordance with said Acts, commencing fourteen days prior to the election herein ordered, and giving reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such Boards shall also, during the same period, add to such registry the names of all persons who, at that time, possess the qualifications required by said Acts, who have not been already registered.

In deciding who are to be stricken from, or added to the registration lists, the Boards will be guided by the Acts of Congress relating to reconstruction, and their attention is especially called to the Supplementary Act, which became a law July 19, 1867.

VI. Said election shall be held in each county in the State under the superintendence of the Boards of Registration, as provided by law, and polls will be opened, after due and sufficient notice, at as many points in each county, not exceeding three, as, in the opinion of said Boards, may be required for the convenience of voters. And in any city, or other place, where there is a large number of voters, it is hereby made the duty of said



Boards to open as many polls as may be necessary to enable the voters to cast their votes without unreasonable delay.

VII. Any person duly registered in the State as a voter, may vote in any county of the State where he offers to vote, when he has resided therein for ten days next preceding the election. When he offers to vote in the county where he was registered, and his name appears on the list of Registered voters, he shall not be subject to question or challenge, except for the purpose of identification, or as to residence. And any person so registered, who may have removed from the county in which he was registered, shall be permitted to vote in any county in the State to which he has removed, when he has resided therein for ten days next preceding the election, upon presentation of his certificate of registration, or upon making affidavit before a member of the Board of Registration, or a Judge or Manager of the election, that he is registered as a voter, naming the county in which he is so registered; that he has resided in the county where he offers to vote for ten days next preceding the election, and that he has not voted at this election. Blanks for such affidavits will be supplied by the Boards of Registration, and the name of the voter making oath must be endorsed on his ballot, and all such affidavits must be forwarded with the returns of the election.

VIII. The polls shall be opened at each voting place, during the days of election, at 7 o'clock a. m., and close at 6 o'clock p. m., and shall be kept open, between those hours, without intermission or adjournment.

IX. All public barrooms, saloons, and other places for the sale of liquor at retail, at the several county seats,



and at other polling places, shall be closed from 6 o'clock of the evening preceding the election, until 6 o'clock of the morning after the last day of the election. Any person violating this order shall be subject to fine or imprisonment. Sheriffs and their deputies and municipal officers will be held responsible for the strict enforcement of this prohibition by the arrest of all persons who may transgress the same.

X. The Sheriff of each county is hereby required to be present at the county seat, and to appoint deputies to be present at each polling place in his county, during the whole time that the polls are kept open, and until the election is completed, and is made responsible that no interference with the judges of election, or other interruption of good order shall occur. And any Sheriff, or Deputy Sheriff, or other civil officer failing to perform with energy and good faith the duty required of him by this order, will upon report made by the Judges of the election, be arrested and dealt with by military authority, and punished by fine or imprisonment.

XI. The Commanding Officer of the District of Georgia, will issue, through the Superintendent of Registration for this State, such detailed instructions as may be necessary to the conduct of said election in conformity with the Acts of Congress.

XII. The returns required by law to be made of the results of said election to the Commanding General of this Military District, will be rendered by the persons appointed to superintend the same through the Commanding Officer of the District of Georgia, and in accordance with the detailed instructions already referred to.

XIII. No person who is a candidate for office at said



election shall act as a registrar, judge, inspector, manager, clerk, or in any other official capacity connected with conducting the election.

XIV. Violence, or threats of violence, or any oppressive or fraudulent means employed to prevent any person from exercising the right of suffrage, is positively prohibited, and every person guilty of using the same shall, on conviction thereof before a Military Commission, be punished by fine or otherwise.

XV. No contract or agreement with laborers made for the purpose of controlling their votes, or of restraining them from voting, will be permitted to be enforced against them in this District.

By order of Major General Meade.

R. C. DRUM,  
*Assistant Adjutant General.*

Official.

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HEADQUARTERS THIRD MILITARY DISTRICT,  
(Department of Georgia, Florida and Alabama),  
ATLANTA, GA., March 15, 1868.

GENERAL ORDERS No. 40.

I. WHEREAS, The Constitutional\* Convention of the State of Georgia, recently in session in this city, did, on the 10th day of March, 1868, adopt the following Ordinance, to-wit:

AN ORDINANCE to provide for the election of civil officers.

\*Page 938.



WHEREAS, All the civil officers of the State are only provisional until the State is represented in Congress; *and whereas*, the interest of Georgia requires that all civil offices shall be filled by loyal citizens, according to the provisions of the Constitution being framed by this Convention, at the earliest practical moment, and for the purpose of avoiding any unnecessary delay or loss of time, and useless expense to the State,

*It is ordained*, That an election be held, beginning on the twentieth day of April, 1868 (at such places as may be designated by the Commanding General of the District), for voting on ratification of the Constitution, for the election of Governor, members of the General Assembly, Representatives to the Congress of the United States, and all other officers to be elected as provided in this Constitution; and said election to be kept open from day to day at the discretion of the General Commanding.

And at said election on the ratification of the Constitution, for Governor, members of Congress, members of the General Assembly, and all other civil officers, the qualification for voters shall be the same as prescribed by the Act of Congress, known as the Sherman Bill, for voters at the election on the ratification of the Constitution, and at all elections under the provisional government. And Major General Meade is respectfully requested to give the necessary orders to carry into effect the foregoing provisions, and cause due returns to be made and certificates of election to issue by the proper officers. And be it further ordained, That the regulations established by Congress for voting upon the ratification of the Constitution and for voting at elections under the Provisional Government, shall apply to the election of officers as aforesaid, and the persons so elected



or appointed, shall enter upon the duties of the several offices to which they have been respectfully elected when authorized so to do by Acts of Congress or the order of the General Commanding, and shall continue in office till the regular succession provided for after the year 1868, and until successors are elected and qualified, so that said officers shall each of them hold their offices as though they were elected on Tuesday after the first Monday in November, 1868, or elected or appointed at the General Assembly next thereafter, and the rules for conducting and making the returns thereof, shall be the same as shall be prescribed by the Commanding General for the elections and returns on the ratification of the Constitution. But this Ordinance shall not apply to Justices of the Peace who shall be elected, at such time as shall be provided for by the first General Assembly, until otherwise provided by law.

Upon any voter being challenged he shall take the following oath:

“You do solemnly swear (or affirm) that you have been duly registered agreeably to the Acts of Congress; that you have not prevented, or endeavored to prevent, any person from voting at this election; that if the Constitution upon which the vote is now being taken is ratified, that you will truly and faithfully support it. So help you God.”

II. AND WHEREAS, by an Act of Congress, which became a law March 12, 1868, it is enacted, that the Constitutional Convention of any of the States mentioned in the Reconstruction Acts may provide that, at the time of voting upon the ratification of the Constitution, the registered voters may vote also for members of the House of



Representatives of the United States, and for all elective officers provided for by said Constitution.

III. *It is ordered*, That at the same time and places, at which it is ordered by General Orders No. 39, dated March 14, 1868, that an election shall be held in the State of Georgia upon the ratification of the Constitution submitted by said Convention, an election shall also be held in said State for a Governor thereof, members of the General Assembly, Representatives to the Congress of the United States, and all other officers to be elected as provided for in said Constitution.

IV. Said election shall be conducted by the same persons, in the same manner, and the returns thereof shall be made as is provided in said General Orders for conducting and making returns of the election on the ratification of the Constitution.

V. The regulations established by Congress for voting upon the ratification of the Constitution, and for voting at elections under the Provisional Government, shall apply to the election of the officers aforesaid, and all persons who, under the Acts of Congress, may be entitled to vote on said question of ratification, may vote at the election of said officers, and none others may vote at said election.

VI. No certificate of registration, affidavit, oath, or other evidence of qualification to vote shall be required at this election than such as may be required according to the provisions of General Orders No. 39, at the election on the ratification of the Constitution.

By order of Major General Meade.

Official.

R. C. DRUM,

*Assistant Adjutant General.*



MEMBERS  
OF THE  
CONVENTION



## MEMBERS OF THE CONVENTION.

NAME.	COUNTY.	POST OFFICE.	NATIVITY.	No. of Years in Georgia.	Vote on the Constitution.
Joseph Adkins	Warren	Warrenton	Warren County	53	Yea
A. T. Akerman	Elbert	Elberton	New Hampshire	24	---
Robert Alexander	Clay	Fort Gaines	North Carolina	2	Yea
Isaac H. Anderson	Houston	Fort Valley	Monroe County	34	Yea
N. L. Angier	Fulton	Atlanta	New Hampshire	28	---
G. W. Ashburn	Muscogee	Columbus	North Carolina	50	Yea
D. P. Baldwin	Taliaferro	Crawfordsville	Ohio	3	Yea
James C. Barton	Clarke	Watkinsville	---	---	---
Peter B. Bedford	Ware	Waresboro	North Carolina	---	Yea
J. R. Bell	Oglethorpe	Lexington	Virginia	58	Yea
Madison Bell	Banks	Homer	Georgia	30	Nay
Moses H. Bentley	Chatham	Savannah	Georgia	30	Yea
John S. Bigby	Coweta	Newnan	Georgia	35	Nay
Simeon W. Beaird	Richmond	Augusta	South Carolina	5	Yea
Foster Blodgett	Richmond	Augusta	Georgia	42	Yea
Joseph E. Blount	Stewart	Lumpkin	North Carolina	15	Yea
Alfred Bowden	Monroe	Forsyth	Georgia	48	---
John C. Bowden	Campbell	Powder Springs	Georgia	43	Yea



W. F. Bowers.....	Hart.....	Bowersville.....	Georgia.....	42	Yea
James R. Bracewell.....	Gwinnett.....	Stone Mountain.....	Georgia.....	42	Yea
Aaron A. Bradley.....	Chatham.....	Savannah.....	South Carolina.....	8	
Shadrack Brown.....	Henry.....	Bear Creek.....	Georgia.....	49	Yea
John E. Bryant.....	Richmond.....	Augusta.....	Maine.....	3	Yea
John Bryson.....	Townsend.....	Mt. Eola.....	North Carolina.....	33	Yea
J. M. Buchan.....	Pulaski.....	Hawkinsville.....	Georgia.....	37	
R. B. Bullock.....	Richmond.....	Augusta.....	New York.....	9	Yea
George P. Burnett.....	Floyd.....	Rome.....	Tennessee.....	27	Nay
John H. Caldwell.....	Troup.....	LaGrange.....	South Carolina.....	44	Yea
A. J. Cameron.....	Telfair.....	Jacksonville.....	Georgia.....	39	Nay
T. G. Campbell.....	McIntosh.....	Darien.....	New Jersey.....	3	Yea
W. C. Carson.....	Thomas.....	Boston.....	Maryland.....	2	Yea
J. C. Casey.....	Marion.....	Bucna Vista.....	Georgia.....	61	Yea
John W. T. Catching.....	Greene.....	Greensboro.....	Georgia.....	42	Yea
Peter H. Chambers.....	Meriwether.....	White Sulphur Springs.....	Georgia.....	49	Yea
George W. Chatters.....	Stewart.....	Florence.....	South Carolina.....	6	Yea
Isaac W. Christian.....	Newton.....	Covington.....	Georgia.....	28	Yea
H. H. Christian.....	Early.....	Blakeley.....	Georgia.....	44	
Malcomb Claiborne.....	Burke.....	Waynesboro.....	South Carolina.....	3	Yea
Walter L. Clift.....	Chatham.....	Savannah.....	Massachusetts.....	2-3	Yea
Samuel A. Cobb.....	Houston.....	Perry.....	Georgia.....	32	Yea
E. S. Cobb.....	Madison.....	Athens.....	Kentucky.....	10	
Henry G. Cole.....	Cobb.....	Marietta.....	New York.....	31	
Benjamin Conley.....	Richmond.....	Augusta.....	New Jersey.....	38	Yea
Martin Cooper.....	Pike.....	Griffin.....	Georgia.....	54	Yea
John T. Costin.....	Talbot.....	Talbotton.....	Virginia.....	1	Yea
D. G. Cotting.....	Wilkes.....	Washington.....	Massachusetts.....	42	Yea
Wm. T. Crane.....	Townsend.....	Hiwassee.....			



## MEMBERS OF THE CONVENTION.

NAME.	COUNTY.	POST OFFICE.	NATIVITY.	No. of Years in Georgia.	Vote on the Constitution.
S. W. Crawford	Franklin	Carnesville	South Carolina	30	
Thomas Crayton	Stewart	Lumpkin	Georgia	30	Yea
Robert Crumley	Warren	Warrenton	Georgia	36	Yea
J. L. Cutler	Brooks	Quitman			
Samuel E. Dailey	Henry	McDonough	Georgia	27	Yea
Charles D. Davis	Walton	Monroe	Vermont	47	Yea
W. W. Dews	Baker	Millford	Georgia	32	Nay
Jesse Dinkins	Schley	Ellaville	Georgia	43	Yea
Benjamin Dunning	Hall	Gainesville	South Carolina	67	Yea
James L. Dunning	Fulton	Atlanta	Connecticut	20	Yea
William P. Edwards	Taylor	Butler	Georgia	29	Yea
C. A. Ellington	Gilmer		Georgia	55	Yea
S. E. Fields	Murray	Spring Place	South Carolina	35	
John H. Flynn	Fulton	Atlanta	Pennsylvania	20	Yea
William A. Fort	Floyd	Rome	Georgia	50	
Albert G. Foster	Morgan	Madison	Georgia	49	Nay
Thomas J. Foster	Paulding	Dallas	South Carolina	33	Nay
Thomas Gibson	Twiggs	Gordon	Georgia	48	



Thomas Gilbert.....	Chattahoochee.....	Columbus.....	North Carolina.....	73	Yea
H. H. Glisson.....	Jasper.....	Monticello.....	Georgia.....	50	
Henry S. Glover.....	Bartow.....	Cartersville.....	Ohio.....	16	Yea
W. L. Goodwin.....	Twiggs.....	Griswoldville.....	Massachusetts.....	30	Yea
Samuel F. Gove.....	Liberty.....	Cho. Sta. G. R. R. 5.....	Georgia.....	54	Yea
W. A. Golden.....	Twiggs.....	Gordon.....	Georgia.....	43	Yea
William Griffin.....	Upson.....	Thomaston.....	Georgia.....	25	Yea
William Guilford.....	Sumter.....	Americus.....			
John E. Hall.....	Heard.....	Franklin.....	Georgia.....	53	
George Harlan.....	Chatham.....	Savannah.....	Vermont.....	3	Yea
Asa L. Harris.....	Newton.....	Covington.....	Pennsylvania.....	38	Yea
John Harris.....	Hancock.....	Sparta.....	Georgia.....	24	Yea
W. H. Harrison.....	Carroll.....	Villa Rica.....	North Carolina.....	40	Yea
A. H. Harrison.....	Decatur.....	Bainbridge.....	Georgia.....	59	Yea
John Higden.....	Talbot.....	Talbotton.....	Vermont.....	20	Yea
E. I. Higbee.....	Wilkinson.....	Irwinton.....	Georgia.....	48	Yea
Charles Hooks.....	Milton.....	Alpharetta.....	South Carolina.....	17	Nay
A. W. Holcombe.....	Chatham.....	Savannah.....	Georgia.....	53	Yea
C. H. Hopkins.....	Walton.....	Monroe.....	New York.....	18	Yea
N. P. Hotchkiss.....	Cherokee.....	Hickory Flat.....	North Carolina.....	14	
S. T. Houston.....	Pike.....	Milner.....	Georgia.....	52	
W. J. Howe.....	Putnam.....	Eatonton.....	Georgia.....	47	
J. R. Hudson.....	Haralson.....	Buchanan.....	Georgia.....	42	Yea
R. B. Hutcheson.....	Cobb.....	Marietta.....		/	
David Irwin.....	Randolph.....	Cuthbert.....	Virginia.....	3	Yea
J. A. Jackson.....	Dougherty.....	Albany.....	Virginia.....	17	Yea
Philip Joiner.....	Muscogee.....	Columbus.....	Georgia.....	36	Yea
Van Jones.....	Jasper.....	Monticello.....	Georgia.....	34	Yea
W. F. Jordan.....					



## MEMBERS OF THE CONVENTION.

NAME.	COUNTY.	POST OFFICE.	NATIVITY.	No. of Years in Georgia.	Vote on the Constitution.
J. M. Key.....	Meriwether.....	Lutherville.....	Georgia.....	49	Yea
John H. King.....	Whitfield.....	Dalton.....	Georgia.....	31	Nay
L. J. Knight.....	Berrien.....				
James Knox.....	Columbus.....	Lombardy.....	Scotland.....	40	Yea
E. W. Lane.....	Laurens.....				
W. C. Lee.....	Clayton.....	Jonesboro.....	Georgia.....	48	Yea
George Linder.....	Laurens.....	Oconee.....	Georgia.....	34	Yea
J. G. Lott.....	Forsyth.....	Cumming.....	South Carolina.....	46	Yea
Robert Lumpkin.....	Macon.....	Oglethorpe.....	Virginia.....	50	Yea
J. A. Madden.....	Burke.....	Waynesboro.....	Maryland.....	2½	Yea
Posey Maddox.....	Houston.....	Atlanta.....	South Carolina.....	58	Yea
C. C. Martin.....	Calhoun.....	Cuthbert.....	South Carolina.....	30	
Philip Martin.....	Habersham.....	Walton's Ford.....	Georgia.....	62	
E. B. Martin.....	Carroll.....	Carrollton.....	South Carolina.....	44	Nay
W. L. Marler.....	Jackson.....	Jefferson.....	North Carolina.....	36	Yea
J. Mathews.....	Gwinnett.....	Yellow River.....	Georgia.....	34	Yea
J. G. Maull.....	Muscogee.....	Columbus.....	South Carolina.....	20	Yea
H. K. McCay.....	Sumter.....	Americus.....	Pennsylvania.....	27	Yea



Wilkey McHan.....	Pickens.....	Jasper.....	North Carolina.....	19	Yea
Joseph McWhorter.....	Oglethorpe.....	Bairdstown.....	Georgia.....	35	
H. V. M. Miller.....	Fulton.....	Atlanta.....	South Carolina.....	45	Yea
S. T. W. Minor.....	Fayette.....	Fayetteville.....	Georgia.....	50	Yea
A. M. Moore.....	Pierce.....				
Romulus Moore.....	Columbus.....	Lombardy.....	Georgia.....	49	Yea
Milton Moore.....	White.....	Leo.....	South Carolina.....	40	Yea
John Murphey.....	Dougherty.....	Albany.....	Kentucky.....	2	Yea
John Neal.....	Glascock.....	Warrenton.....	Georgia.....	24	Yea
W. H. Noble.....	Randolph.....	Cuthbert.....	Alabama.....	5	Yea
Daniel Palmer.....	Washington.....	Sandersville.....	Georgia.....	41	Yea
J. R. Parrott.....	Bartow.....	Cartersville.....	Tennessee.....	20	Yea
Lewis Pope.....	Wilkes.....	Washington.....	Georgia.....	46	Yea
M. A. Potts.....	Monroe.....	Forsyth.....	Georgia.....	32	Yea
B. F. Powell.....	Decatur.....	Bainbridge.....			
C. H. Prince.....	Washington.....	Augusta.....	Maine.....	2	Yea
W. H. D. Reynolds.....	Chatham.....	Savannah.....	Georgia.....	43	Yea
J. M. Rice.....	Bulloch.....	Augusta.....	New York.....	1½	Yea
C. C. Richardson.....	Baldwin.....	Augusta.....	Maine.....	3	
Lewis H. Roberts.....	Echols.....	Statenville.....	Georgia.....	30	
Robert Robertson.....	Troup.....	O'Neal's Mills.....	Scotland.....	34	Yea
W. H. Rozar.....	Spalding.....	Griffin.....	Georgia.....	28	Yea
T. P. Saffold.....	Morgan.....	Madison.....	Georgia.....	45	Yea
S. F. Sauter.....	Pulaski.....	Hawkinsville.....	Georgia.....	28	
Isaac Seeley.....	Chatham.....	Savannah.....	New York.....	1¼	Yea
Josiah Sherman.....	Columbia.....	Augusta.....	Vermont.....	2½	Yea
J. M. Shields.....	Walker.....	Rock Springs.....	Tennessee.....	24	Yea
Wesley Shropshire.....	Chattooga.....	Dirt Town.....	Georgia.....	66	Yea
B. D. Shumate.....	DeKalb.....	Lithonia.....	South Carolina.....	50	Yea



## MEMBERS OF THE CONVENTION.

NAME.	COUNTY.	POST OFFICE.	NATIVITY.	No. of Years in Georgia.	Vote on the Constitution.
Benjamin Sikes	Dougherty	Albany	Virginia	47	Yea
F. M. Smith	Charlton	Tradersville	Georgia	53	
W. C. Smith	Coweta	Grantville	Georgia	34	Yea
M. C. Smith	Thomas	Thomasville	Georgia	46	Yea
F. T. Snead	Macon	Oglethorpe			
L. L. Stanford	Harris	Hamilton	Georgia	36	Nay
Simon Stanley	Wilcox	House Creek	Maine	23	Yea
James Stewart	Chatham	Savannah	North Carolina	35	Yea
T. J. Speer	Pike	Liberty Hill	Georgia	30	Yea
Alexander Stone	Jefferson	Louisville	Georgia	39	Yea
Henry Strickland	Greene	Grimsboro	Georgia	42	Yea
W. C. Supple	Baldwin	Milledgeville	Ireland	12	Yea
L. N. Trammell	Gordon	Calhoun	Georgia	37	Nay
J. W. Traywick	Pulaski	Hawkinsville	Georgia	45	Yea
H. M. Turner	Bibb	Macon	South Carolina	4	Yea
James D. Waddell	Polk	Cedartown	South Carolina	28	Nay
George Wallace	Baldwin	Milledgeville	Georgia	28	Yea
O. I. Walton	Houston	Fort Valley	Georgia	46	Yea



F. O. Welch	Dougherty	Albany	Maine	37	Yea
W. H. Whitehead	Butts	Indian Springs	Virginia	12	Yea
Robert Whitehead	Burke	Green's Cut	Georgia	40	Yea
John Whitaker	Terrell	Dawson	Georgia	30	Yea
R. H. Whiteley	Decatur	Bainbridge	Ireland	30	Yea
G. G. Wilbur	Bibb	Macon		--	Yea
Samuel Williams	Harris	Hamilton	North Carolina	50	Yea
J. A. Wocdey	Lumpkin	Dahlonaga	Georgia	49	Yea
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